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THE NORTH AMERICAN WETLANDS CONSERVATION ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 804

A BILL TO CONSERVE NORTH AMERICAN WETLAND ECOSYSTEMS AND WATERFOWL AND OTHER MIGRATORY BIRDS AND FISH AND WILDLIFE THAT DEPEND ON SUCH HABITATS

JUNE 1, 1989

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CONTENTS

OPENING STATEMENTS

Page
Baucus, Hon. Max, U.S. Senator from the State of Montana 1
Chafee, Hon. John H., U.S. Senator from the State of Rhode Island 4
Durenberger, Hon. Dave, U.S. Senator from the State of Minnesota 14
Jeffords, Hon. James M., U.S. Senator from the State of Vermont 15
Mitchell, Hon. George J., U.S. Senator from the State of Maine 2
Reid, Hon. Harry, U.S. Senator from the State of Nevada 5
Warner, Hon. John W., U.S. Senator from the Commonwealth of Virginia 21

WITNESSES

Collins, Charles H., executive director, National Fish and Wildlife Foundation 11
    Written statement 46
Connolly, Matthew B, Jr., executive vice president, Ducks Unlimited, Inc 17
Greenwalt, Lynn A., vice president, National Wildlife Federation 20
    Written statement 64
Massengale, Thomas, vice president, The Nature Conservancy 18
    Written statement 61
Neave, David, executive director, Wildlife Habitat Canada 13
    Written statement 55
Peterson, R. Max, executive vice president, International Association of Fish and Wildlife Agencies 8
    Written statement 41
Robinson, Steve, Deputy Director, U.S. Fish and Wildlife Service 6
    Written statement 28
Williamson, Lonnie L., vice president, Wildlife Management Institute 22
    Written statement 80

ADDITIONAL MATERIAL

S. 804 94
Statements:
    Conrad, Hon. Kent, U.S. Senator from the State of North Dakota 16
    Burney, Hon. D.H., Ambassador from Canada 83
    Committee for Humane Legislation 87
    Wildlife Society, The 92

THE NORTH AMERICAN WETLANDS CONSERVATION ACT

THURSDAY, JUNE 1, 1989

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:03 a.m., in room 406, Dirksen Senate Office Building, Hon. Max Baucus [chairman of the subcommittee] presiding.

Present: Senators Baucus, Reid, Mitchell, Chafee, Jeffords, Durenberger, Warner, and Humphrey.

OPENING STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Senator BAUCUS. The hearing will come to order.

Good morning. The subcommittee convenes today to consider legislation introduced by the Majority Leader, Senator Mitchell, and Senators Chafee, Breaux, Durenberger, Reid, Kasten, and myself, to conserve wetland ecosystems in North America. This legislation is tremendously significant because it marks the beginning of a commitment by the United States to the protection of migratory bird habitat, not just in this Country, but throughout the North American Continent.

As part of this overall objective, the bill before us this morning would provide, for the first time, a mechanism and funding to ensure coherent implementation of the North American Waterfowl Management Plan. That plan, signed in 1986 by the Administer of Environment for Canada and the Secretary of the Interior for the United States, provides a framework for protecting and restoring enough habitat to maintain populations of North American waterfowl and other migratory bird species. Ducks, geese and swans are the most prominent and economically important group of migratory birds in North America, generating a direct expenditure in excess of several billion dollars annually.

Each year in my State, in Montana, more than 20,000 people spend tens of millions of dollars hunting waterfowl. Nearly three Montanans out of every five enjoy watching and photographing waterfowl and other wildlife species. Unfortunately, the recreational and economic opportunities provided by waterfowl are in serious jeopardy. The average number of ducks in North America in recent years has been lower than any comparable period on record. The number of breeding ducks currently averages only a little more than half the number present in the 1970s.

A key factor in the alarming decline of our continent's waterfowl populations is continuing destruction of wetlands and other habitat. Montana, for instance, has lost roughly 20 percent of its wetlands in just the past 20 years. In short, existing public and private wetland protection efforts have been inadequate. Successful rebuilding of waterfowl numbers, according to the North American Waterfowl Management Plan, will require the restoration, protection and improvement of almost 2 million acres of habitat in the United States, and 4 million acres in Canada by the turn of the century.

To get this job done the plan calls for an unprecedented cooperative effort by the United States and Canada. Unfortunately, the plan fails to back up its ambitious goals and strategy with any commitment for funding. Indeed, the plan fails to lay out any specific means of forging the public/private partnerships needed to carry out its objectives. The North American Wetlands Conservation Act, under consideration today, will correct these shortcomings and ensure that there is meaningful, coherent, long-term effort to achieve the plan's goals. But the Act would accomplish this purpose without setting up a major new Federal program to acquire private lands. Instead, this legislation would encourage a more flexible approach to support not only acquisition, but also management and restoration of wetlands, and it would allow these efforts to be undertaken by the States and private organizations in addition to United States Fish and Wildlife Service.

The long-term conservation of migratory birds and habitat for these species requires working partnerships among governments at all levels, private organizations, or corporations, landowners, and other citizens. The testimony submitted to the subcommittee by our witnesses, and others, such as the National Rifle Association, demonstrates the broad array of support in the public and private sector for the North American Wetlands Conservation Act, support that is critical to bringing waterfowl back to the level we once enjoyed.

Unfortunately, the list of the bill's supporters does not presently include the Administration. I hope our witness this morning can explain to the subcommittee, the Nation's waterfowl hunters and other Americans who enjoy these migratory birds, why they Interior Department is unwilling to embrace a widely supported effort to implement its own North American Waterfowl Management Plan.

I see we're joined this morning by our leader and the primary sponsor of this bill, Senator Mitchell. Senator Mitchell, if you have a statement, we'd love to hear it.

OPENING STATEMENT OF HON. GEORGE J. MITCHELL, U.S. SENATOR FROM THE STATE OF MAINE

Senator MITCHELL. I do, Mr. Chairman.

Mr. Chairman, thank you for holding this hearing. You and I share, with Senator Chafee, and other members of this subcommittee, a strong commitment to the conservation of North American wetlands and waterfowl and the other fish and wildlife that depend on these habitats.

The wetlands of this continent, like the forests of Central America and Tropical South America, are libraries of nature which contain volumes of priceless, genetic information. They are North America's most biologically productive areas, and roughly a third of this continent's endangered species of animals are dependent on them. And like the tropical forests, we have subjected our wetlands to much destruction. From the 1950s to the 1970s Americans drained, filled and cleared 9 million acres of wetlands in the 48 contiguous states. Less than half of the original 200 million acres remain, and the destruction continues today at a rate of half a million acres a year, an area 12 times the size of the District of Columbia. Total wetlands lost in the Canadian Prairie Provinces of Alberta, Saskatchewan, and Manitoba, is estimated to be 40 percent of the original wetlands acreage. The State of Maine has lost approximately 100,000 acres of wetlands since European settlement began on this continent.

The destruction of wetlands in North America where many migratory bird species breed, spells disaster for these species just as surely as the destruction of forests in Central and Tropical South America where they winter. The average number of North American ducks in recent years has been lower than any comparable period on record. There have been fewer black ducks, a species prized by people in Maine and elsewhere in the Eastern United States and Canada, than at anytime during the previous three decades. Of the 30 species of migratory nongame birds that are currently of management concern to the U.S. Fish and Wildlife Service because of their uncertain status, nearly one-half are dependent upon coastal and fresh water wetlands. Thirteen of some of our most abundant and widespread song birds, like the American goldfinch, and the Eastern meadowlark, have declined at an average rate of nearly three percent per year over the past 20 years.

One of the principal goals of the legislation under consideration today is to begin a long-term commitment to work with Canada and Mexico in implementation of the North American Waterfowl Management Plan. The plan is the best, and maybe the last, opportunity we will ever have to halt the decline of many species of ducks, geese, and other migratory birds. It calls for the protection of an additional 50,000 acres of migratory and wintering habitat along the eastern coast of the United States in areas such as Maine's Cobscook and Merrymeeting Bays to restore black duck numbers. But the plan is only a statement of needs and objectives. The North American Wetlands Conservation Act will establish a structure to meet those needs and accomplish those objectives. And it will provide the Federal matching funds essential to encouraging public and private partnerships for wetlands conservation projects in Canada and Mexico as well as in the United States.

For that reason, I am deeply disappointed that Secretary Lujan declined to appear this morning, and that the Administration is not yet prepared to endorse the North American Wetlands Conservation Act, or any other proposal, to actually carry out the North American Waterfowl Management Plan. The 1988 National Republican Party Platform stated, "We support efforts, including innovative public/private partnerships, to restore declining waterfowl populations." The President has called for a policy establishing no net loss of wetlands as a National goal. I understand that the President, in fact, is scheduled to speak next week at a symposium sponsored by Ducks Unlimited on the decline in continental waterfowl populations.

I now call upon the President to personally review his Administration's position on the bipartisan legislation proposed by Congress to protect North American wetlands and waterfowl. And I call on the President to use the occasion next week to express his full support for these proposals, or to come forth with his own plan to fund and implement wetlands and migratory bird conservation on a continent-wide basis. The Supreme Court reminded us in 1983 that the protection of migratory birds has long been recognized as a National interest of very nearly the first magnitude. Our efforts to care for this resource should better reflect the magnitude of that interest.

Mr. Chairman, I thank you very much. I commend you for what you're doing. I apologize that I will not be able to stay for the hearing, because I have to return to the Floor, but I look forward to working with you, Senator Chafee, Senator Reid, and others on the subcommittee in enacting this legislation into law.

Senator **Baucus**. Thank you very much, Senator, for that statement. Your statement will go along way to help assuring the success of the plan. I appreciate it.

Senator **Mitchell**. Thank you.

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator **Baucus**. Senator Chafee.

Senator **Chafee**. Thank you, Mr. Chairman. I regret that I will have to leave for the Finance Committee. I was glad to hear our distinguished leader give such a strong statement. He's been deeply concerned with these matters for many, many years, and has been a key leader in this committee and in the Senate, as a whole, as you have, in trying to do something about conserving wetlands.

I think back to 1986 when we enacted the Emergency Wetlands Resource Law, which I was deeply involved in, and you as well Mr. Chairman, you were concerned with that Act, likewise. As a result of that law, $30 million is made available each year for the Federal Government to protect wetlands, and I saw some positive results of that Act last year in my State. A wetland area was purchased with this money and is named Pataquamset Cove. It will become a National Wildlife Refuge.

I just think there's few things more important that we can do environmentally than to save these wetlands. I think this proposal before us is a good one. It involves working with Canada, and so I'm going to do everything I can to be helpful. I was glad that the Majority Leader pointed out the President's commitment in this area. As you know, and many here know, the President has said, emphatically, that there's going to be no net loss of wetlands under his Administration. He's committed to that. So we're going to assist him in every way, and obviously, encourage him to stick by that commitment, which I'm sure he will.

So, thank you, Mr. Chairman, for holding this hearing.

Senator **Baucus**. Thank you very much, Senator. You've been a very stalwart worker, and a big help, and I appreciate your assistance.

Senator Reid.

OPENING STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM THE STATE OF NEVADA

Senator **Reid**. Thank you, Mr. Chairman.

Mr. Chairman, I'm pleased that we're having these hearings today on S. 804. As has been already noted here, several weeks ago I joined you, Senator Chafee, and the Majority Leader in introducing the North American Wetlands Conservation Act. The reason that I'm so pleased to see us moving on this legislation is because I have firsthand knowledge of the devastation that is being visited on many of our vital wetlands.

Of all our wetlands, none is more important to the Pacific Flyway, or for shorebird habitat, than the Stillwater National Wildlife Management Area in the Ohaunton Valley in Western Nevada. Yet, this vital wetland which has been in existence, Mr. Chairman, for over 5,000 years, and which only a few years ago covered over 50,000 acres has been allowed to shrink to less than 3,000 acres, and much of what remains is deadly to the very wildlife that inhabit it. I recently had the opportunity to review in detail, the situation at Stillwater. I stood on a windswept island in the middle of an area known as Lead Lake and inspected a lone Canadian goose nest where once hundreds of pairs of geese would be nesting at this time of year. This was the only one in the entire area. I traveled to another area of the marshes where white pelicans come to feed and collect food for their young, who are hatched 60 miles away at Pyramid Lake. Between Pyramid Lake and Stillwater, Western Nevada wetlands once produced up to 16,000 white pelicans each year. Now, more die each year than are born.

I'm proposing to have the Federal Government purchase water for delivery to Stillwater. My plan cannot return these marshlands to the majestic natural resource they once were. It is an emergency program to stop the poisoning and loss of these wetlands, but it is important because without additional supplies of fresh water, now, these wetlands are in danger of disappearing forever. I plan to take part in the dedication of the first Federal water to the wetlands later this month. It is my hope that we can begin to get a steady stream of water into the wetlands within the next few months.

Mr. Chairman, there's a lot of attention right now on the ecological disaster of the oil spill in Alaska, and rightfully so. However, it is no less important that we begin to understand that the loss of wetland areas is not only a loss for the State or County where they are located, but it is a loss to us all. It is a loss Nationally, and internationally, and if we permit this to happen because of our neglect, then we will be no less culpable than the captain of the Exxon Valdez.

That's why I applaud you and the leadership of the Environment and Public Works Committee for expediting hearings on this important legislation, and thank you for permitting me to be part of this effort.

Senator **Baucus**. Thank you, Senator.

I'd like now to call all the witnesses up to the table. We're going to, hopefully, have a little discussion here after the formal testimony. First, Mr. Steve Robinson, Deputy Director of the U.S. Fish and Wildlife Service; Mr. Max Peterson, Executive Vice President of the International Association of Fish and Wildlife Agencies; Mr. Charles Collins, Executive Director of the National Fish and Wildlife Foundation; Mr. David Neave, the Executive Director of Wildlife Habitat Canada, from Ottawa; Mr. Matthew Connolly, Executive Vice President of Ducks Unlimited; Mr. Thomas Massengale, Vice President for Major Program Development of the Nature Conservancy; Mr. Lynn Greenwalt with the National Wildlife Federation; and Mr. Lonnie Williamson, the Wildlife Management Institute.

We will begin with you, Mr. Robinson. Why don't you begin, then we'll go with the rest of the witnesses. Since you're from the Administration, I'll give you a little more than five minutes if you want to speak more than five minutes.

Mr. **Robinson**. Five minutes should be adequate, Mr. Chairman.

Senator **Baucus**. The statements of all the witnesses will be included in the record.

STATEMENT OF STEVE ROBINSON, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE

Mr. **Robinson**. Mr. Chairman, thanks for the opportunity to be here today. I'm here to discuss the Administration's view on S. 804, on the North American Wetlands Conservation Act.

I want to assure the committee that Secretary Lujan shares your support for implementation of the North American Waterfowl Management Plan, and your concerns on the overall problem of loss of wetlands. He supports the concepts of this legislation, and he intends to be very active on these issues, and we look forward to working closely and cooperatively with you in that effort.

On May 23, the Administration announced the establishment of an Inter-Agency Task Force on Wetlands, under the auspices of the Domestic Policy Council out of the White House. The task force will recommend ways to establish no net loss of wetlands as a national goal, including providing clear direction to and coordination among Federal agencies for wetlands protection; recommending ways that the State and local governments and the private sector can be encouraged to support the no-net-loss goal; and assessing our progress to determine what further steps might be necessary.

We believe the activities already undertaken to implement the North American Waterfowl Plan, activities that would be encouraged by this bill, can serve as models for many of the task force's objectives. The Department of Interior will strongly advocate including plan objectives in all aspects of the Council's recommendations. And I anticipate a formal announcement of the membership in the very near future, membership of that task force. However, until the task force begins its work, the Administration is not in a position to comment on, or support specific proposals for wetlands conservation measures. The North American Waterfowl Plan, itself, is certainly an innovative, international partnership to preserve wetlands and restore waterfowl populations to their 1970s levels.

The Department's fiscal year 1990 budget request, over $7.6 million, has been requested for land acquisition at four projects of high priority to the plan. And these funds, if approved by Congress, will protect almost 11,000 acres. We're also requesting $6.8 million for implementation of enhancement and restoration efforts associated with that plan. Acquisition of wetlands from the sale of duck stamps, as approved by the Migratory Bird Conservation Commission, is an ongoing activity. In fiscal year 1988, the Service acquired almost 66,000 acres using approximately $32 million from the Migratory Bird Conservation Fund. And as of March 31, almost $15 million have been obligated to acquire 33,000 acres in this fiscal year.

However, the Federal Government can't accomplish all that needs to be done. Partnership is the key concept behind the plan. It builds joint ventures, which this committee is familiar with, coalitions among Federal and State governments, and private conservation organizations, businesses, landowners, and concerned citizens to accomplish its objectives. Conservation organizations such as the Nature Conservancy and Ducks Unlimited are important partners in each of these six U.S. joint ventures.

In South Dakota they joined with State and Federal agencies to restore wetlands in the watersheds of Lakes Thompson and Crystal. And as part of this project, the Administration is requesting $1 million in land acquisition money for Lake Thompson in fiscal year 1990. Private landowners are joining the partnership. In the Central Valley joint venture, an effort that targets the remaining wetland acres in California, landowners enter incentive programs in exchange for accommodating waterfowl and other wildlife on their properties, and these range from technical assistance to cash payments for part of their increased operating expenses. Businesses have also enlisted in the joint ventures. Last summer Scott Paper Company signed an agreement to manage their more than 3 million acres of timberlands for waterfowl, making them partners in the Gulf Coast joint venture. Several other major corporations have recently pledged contributions.

Citizens are volunteering their time and talents for the plan. Last summer at Big Lake National Wildlife Refuge in Arkansas, local citizens worked in shifts planting grain seed for wildlife food crops. Thousands of dollars in services and seeds were also donated by local businesses. Whether they're building wood duck boxes, organizing fundraising events or assisting with wetland restoration work, volunteers are vital to this effort. And they're proof, I think, that the President's philosophy of more intensive use of volunteers can work.

I'd like to stress that although it was framed as a waterfowl conservation policy document, the plan benefits other wildlife that depend on wetlands to complete their life cycles. It aids small mammals, reptiles, fish and shellfish, endangered plants and animals, upland game and song birds. In the Atlantic Coast joint venture, a project at Cape May, New Jersey has wide benefits, typical of the plan's initiatives. This area on the Delaware Bay attracts spectacular concentrations of shore birds, song birds, and raptors during their migration, including bald eagles. And it hosts more than 90,000 bird watchers, 150,000 anglers, and 18,000 hunters annually.

Last month the Interior Department, State of New Jersey, and conservation organization representatives, joined local residents in dedicating the new Cape May National Wildlife Refuge, a part of the joint venture. The creation of the refuge was approved by the Migratory Bird Conservation Commission on May 9. The Administration's fiscal year 1990 budget request includes a million dollars in Land and Water Conservation Fund money for additional land at Cape May and the Nature Conservancy has pledged to raise $400,000 to match a $100,000 grant from the National Fish and Wildlife Foundation for additional acquisition at Cape May.

Other Federal agencies are active partners in the North American Waterfowl Plan, and we want to make them more partners in those efforts in the coming years. As part of their Taking Wing Program, the Forest Service, for example, has allocated over a million dollars for habitat management projects. The Bureau of Indian Affairs, within Interior, has expressed interest in participating and has drafted an initiative called Circle of Flight from 12 different tribes within the Bureau's Minneapolis Region. An agreement was signed January 23 to give the Service and the Army Corps of Engineers a basis for Corps support. And the scope of cooperation includes over seven million acres of land at Corps water projects.

We've initiated discussions with the Bureau of Reclamation, within Interior, regarding the possibility of their serving as the Plan's engineering and construction management agency.

The Plan is also active as a catalyst for our own agency. The Fish and Wildlife Service is the primary agency in Interior for wetlands initiatives with broad responsibilities for fish and wildlife management. And as explained in my written statement, virtually every aspect of the Service's work touches on wetlands.

That concludes my statement, Mr. Chairman, and I'd be glad to clarify or respond later.

Senator BAUCUS. Thank you, Mr. Robinson.

Mr. Peterson.

STATEMENT OF R. MAX PETERSON, EXECUTIVE VICE PRESIDENT, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. PETERSON. Good morning, Mr. Chairman. This is my first opportunity to appear with my new hat before this subcommittee. I'm delighted to be here.

Senator BAUCUS. You're a man of many lives and many hats. It's good to see you, Max.

Mr. PETERSON. Thank you.

I'm delighted to be here to testify on this very constructive bill. The International Association of Fish and Wildlife Agencies, which I represent, includes all 50 States, plus Canadian Provinces and

Mexico. We enthusiastically support this bill. We think it is an excellent one. I won't cover my entire statement, but try to highlight it, since you have it for the record.

We've appreciated working with the subcommittee staff as S-804 has been developed. As you might expect, Mr. Chairman, some States profit more than others by the S-804 finding approach, because not all States have an equal amount of wetlands. But the States have put aside that difference by saying, given the fact that it is unlikely that we can get the income from PR interest allocated through the regular PR formula, that this approach of using the interest or PR funds for wetlands has State support.

We do think it is important that the interest becomes a permanent part of Pittman-Robertson appropriation at a date certain, and we would propose that that be the year 2001, this is stated as an objective in S-804. So we would propose 2001 as a date certain.

The great joint ventures that have arisen out there in the country are important public, private, State partnerships that we need to build on. It is that "grass roots" support of private organizations, as well as States and the Federal Government, that I think will continue the kind of progress that we'd like to see.

I'd like to underscore a couple of points, that have been stated already by Mr. Robinson. Even though the primary thrust of the North American Waterfowl Management Plan is for waterfowl, there's a significant overlap and importance to other kinds of creatures, both animals and birds. Cape May, as already mentioned, is a significant example of that. In your home State of Montana are significant examples of both waterfowl and all kinds of other creatures that use those wetlands. The wetlands also have other important functions that we're just beginning to recognize related to flood control, handling of nutrients, of recycling runoff of fertilizers and other things from agricultural lands. So as we begin to recognize the important functions of wetlands, I believe we'll reach a time when people will see wetlands as an opportunity—not just a problem, which has been true for much of our history.

There are many existing laws to protect wetlands. As you pointed out, Mr. Chairman, they're not working adequately. I think the North American Waterfowl Management Plan, supported by this bill, will help do some positive things that will help reverse wetland loss. It is not the whole answer, but it is a start.

Let me finally recognize that, as has already been stated, there is a lot of work already been done on the North American Waterfowl Management Plan with private, State, and public funds. So we're not starting from point zero. A lot been done on a sort of an ad hoc basis. But what's really needed is sustained, long-term funding support in the United States, and from our partners in Canada who have joined with us, so that over time we'll see sustained support and progress. There have been important activities already by the Department of Interior to conserve wetlands, which are included in our statement. One of the great unrealized opportunities, is the Corps of Engineers and the Bureau of Reclamation, who can do some important things to protect and enhance wetlands. We'd like to see this committee and others encourage them to get going on doing the mitigation that was envisioned by the Emergency Wetlands Act of 1986, of looking at opportunities to actually restore wetlands as a part of projects, and not just dry up wetlands.

Finally, let me commend you, Mr. Chairman, Senator Chafee, and your staff, for what we think is a significant far-reaching bill that we support.

Thank you.

Senator CHAFEE. Mr. Chairman, unfortunately, I have to go to the Finance Committee. Could I ask just one question at this time?

Senator BAUCUS. Certainly.

Senator CHAFEE. First of all, I do want to commend the point Mr. Robinson made, and Max also made, about the cooperation of State, Federal, private, corporations, individuals, associations, Ducks Unlimited, whatever it is. In our State we see great things happening as far as the purchase of open spaces and that includes wetlands.

Secondly, has anybody here seen successful mitigation, or what you'd call wetlands restoration? Raise your hand, have you ever seen it?

[No response.]

Senator CHAFEE. Do you get my question?

[No response.]

Senator CHAFEE. It doesn't exist? What about that, Lynn?

Mr. GREENWALT. Properly, it is a little early to know. One can restore a recently destroyed wetland with some reasonable degree of success. I think it is unfair to suggest that a created or recreated wetland may be, in fact, utterly restored until one has had a chance to test it against the known qualities of wetlands. For that reason, Senator Chafee, I'm a little reluctant to say I know where there is a successfully restored wetland.

Senator CHAFEE. Under section 404 the mitigation applies if you take a quarry or a gravel pit and make a wetland out of that. Well, if you professionals have never see it, that's pretty good testimony that these things don't exist. Is that right, Mr. Collins, you've never seen one either?

Mr. COLLINS. I think, like Mr. Greenwalt, I feel that there are some examples of restoration projects that are underway with some of the wetlands and farmland areas that——

Senator CHAFEE. Well, a restoration, it seems to me, is one that's been destroyed and you try and bring it back.

Mr. COLLINS. Correct.

Senator CHAFEE. But you can't start from scratch in some place and make it a wetland.

Mr. COLLINS. That's right.

I'm not prepared at this point to tell you that I can give you an example of a reclamation project, if you will, that has succeeded 100 percent. They may be out there, but I can't point one out to you right now.

Senator CHAFEE. Well, if none of you folks have seen one, I question whether there's one there.

Okay. Thank you very much, Mr. Chairman.

Senator BAUCUS. Thank you. Mr. Collins, you're next.

STATEMENT OF CHARLES H. COLLINS, EXECUTIVE DIRECTOR, NATIONAL FISH AND WILDLIFE FOUNDATION

Mr. COLLINS. Thank you, Mr. Chairman. I'm pleased to be here today. I'm representing the National Fish and Wildlife Foundation to testify in strong support of S. 804, the North American Wetlands Conservation Act. And I would like to open my comments by commending the Majority Leader, yourself, and the other sponsors of this bill for your leadership on this very important issue.

The Foundation is convinced that S. 804 will measurably aid the international, national and regional efforts to conserve critical wetlands, which in turn will directly aid waterfowl, nongame, and endangered species programs. The Act would instill a national vision for wetland conservation and back it up with enabling provisions for the North American Waterfowl Management Plan. The sustained Federal funding provided in the Act would make the Federal Government a full partner with the States, private organizations, and individuals who are already involved in implementing the plan.

The Act establishes a commission of State, private and Federal experts to prioritize and recommend wetland acquisition and restoration projects. Giving private organizations and State agencies a formal role is both appropriate and essential, for they are already full financial partners in the efforts supported under the Act. In addition, a formally constituted structure, like the Commission would remove ambiguity from the current ad hoc organizational structure of the North American Plan.

The funding allocation formulas under the Act for the U.S. and Canadian projects is appropriate. The provision to send a percentage of funds to Canada, addresses a long-term oversight in North American wetland conservation efforts. And it is critical to the successful implementation of the plans goals, since 75 percent of our waterfowl, and a large percentage of other migratory birds nest in Canada.

The sources of Federal funding, particularly the use of interest from the Pittman-Robertson Fund, are likewise appropriate. Additionally, the authority to receive up to $15 million per year in general revenue, beyond the PR and fine forfeiture monies, offers important and necessary flexibility for meeting additional funding needs. The significance of stable funding is to provide States, which often operate on a two-year budget, and private philanthropic and corporate donors, the knowledge of a steady and predictable flow of Federal matching funds. These funds would make a significant contribution to meeting the goals of the Plan, and would provide the leverage required to attract private and State financing, several times over the Federal match.

Since 1987, the National Fish and Wildlife Foundation has borne a substantial share of the legal, fundraising, and political responsibilities of getting the Plan started. And we have served as the primary delivery vehicle of the first U.S. funds for Canada. The Foundation has helped bring in major private conservation groups as funding partners with State and Federal wildlife and land management agencies. The Foundation's unique ability to foster cooperative efforts through its matching fund program, enabled it to secure an unprecedented $2 million from Ducks Unlimited and 11 States in 1988, as a challenge match to $2 million in Federal investment. These funds were matched by $4 million in Canadian funds, and were subsequently used to fund what we call the "first step" joint venture projects in six Canadian provinces. In 1989, the Foundation has already secured commitments totaling $9 million from 20 States, Ducks Unlimited, and the Canadians, for the "second step" projects in Canada, to match $2 million in Federal investment.

This year the Foundation will allocate $2 million in unrestricted Federal matching funds to acquire and protect U.S. priority sites. Already having obligated about $1.6 million of this amount, the Foundation has attracted $4.8 million of private and State donations for U.S. projects ranging from Cobscook Bay, Maine, to Briggs Marsh, Rhode Island, to Comertown, Montana. The Foundation and its partners have achieved remarkable progress in the last two years. And we remain fully committed to the Plan's goals.

We hired a full-time coordinator for our Plan activities in February of 1989. This year the Plan will occupy more than 80 percent of the Foundation's financial resources. However, we are still only addressing a small percentage of the total need. In addition, the Foundation has other major initiatives comprised of more than 100 projects that demand enormous time and attention, and staff and resources are already stretched to the maximum. There is a documentable need to institutionalize the Plan implementation process, so that it no longer commands such a large percentage of the Foundation's resources.

To reiterate, the Foundation is strongly supportive of S. 804. We are aware of the companion legislation that has been introduced in the House, and we likewise applaud these efforts. The House bill amends some of the provisions of S. 804, addressing among other things the relationship of the Migratory Bird Conservation Commission with the new Wetlands Commission. On that issue, we want to emphasize that the crux of the matter is to develop a structure that provides for meaningful participation by the private organizations and States in the decision making process. Whether this results in the establishment of a new commission, or a modification of the authorities of the Migratory Bird Conservation Commission, is of lesser import than the decision to formalize State and private participation.

Additionally, we strongly support the need for greater accountability to Congress on the new wetland conservation projects as provided by this bill. We want to underscore our general support for all of the bills that have been introduced on this issue, and express our willingness to work with the parties involved to develop final language that is acceptable to both houses of Congress.

Thank you.

Senator BAUCUS. Thank you, Mr. Collins. Your timing is very good.

Mr. Neave, you're next.

STATEMENT OF DAVID NEAVE, EXECUTIVE DIRECTOR, WILDLIFE HABITAT CANADA, OTTAWA, CANADA

Mr. **Neave.** Thank you, Mr. Chairman, members of the committee. I appreciate the opportunity to appear here today to give a Canadian Perspective on your bill, S. 804.

By way of introduction, Wildlife Habitat Canada is a national, nonprofit foundation, and since its creation in 1984, has contributed in excess of $17 million to cooperative habitat protection and enhancement programs. A primary focus of ours is wetland conservation, and our habitat program has emphasized cooperative soil, water and wetland conservation through locally delivered private stewardship programs, along with the more traditional multi-party wetland agreements.

Our Board of Directors is composed of representatives from the Federal and Provincial Governments, naturalist's and sportsmen's groups, and representatives of the agriculture, fisheries and forestry sectors. And we also serve as a secretary for the National Habitat Coalition.

So, while I cannot speak for each wildlife conservation agency, except Habitat Canada, I believe that my remarks fairly represent the thinking of the Canadian wildlife conservation community.

First, we commend you for actively considering this Act. All aspects of the bill pertaining to Canada are consistent with the spirit and intent of the United States' and Canada's longstanding cooperative conservation efforts for migratory birds as exemplified by the Migratory Birds Convention Act and the North American Waterfowl Management Plan.

We are very pleased with the broad ecological approach to wetlands conservation called for in this bill. As is the case in Canada, this effort is not confined to waterfowl.

We view the Plan as an integral component of a broader soil, water and wetlands conservation initiative, in the context of sustainable environmental and economic development across our landscape.

We believe that this legislation, together with the conservation provisions contemplated, I understand, in your 1990 Farm Bill, will put the United States in the global forefront of sustainable land use, as well as wetland conservation. You are providing leadership and setting an example to all countries, particularly Canada.

There has been some frustration because the three-year-old North American Waterfowl Management Plan did not obtain initial financial commitments. However, we have not shared in this frustration for three major reasons. First, this gestation period has provided time to recognize that the Plan is a broad wetland conservation initiative. Secondly, it has provided time to generate a much broader base of support among the conservation community and the agriculture community. And thirdly, the implementation of first and second step projects has allowed for a progressive commitment of funding by all partners, and a testing and development of administrative and implementation procedures.

In Canada we've developed the formal Prairie and Eastern Habitat Joint Venture agreements to establish strong partnerships among Provincial, Federal and nongovernment agencies, along with implementation plans for each province.

A number of Provincial Governments and nongovernment agencies have announced long-term financial commitments to the Plan. And the Canadian Federal Government is in parallel with the United States, seeking to secure its long-term funding to the plan.

As the majority of wetlands that must be protected and enhanced in both the United States and Canada are privately owned, we've been very fortunate that the Federal and Provincial agricultural agencies have recently become full partners.

Canada's National Soil Conservation initiative, alone, will inject $150 million to soil conservation over the next three years. A component of this initiative, the Permanent Cover Program is really equivalent to your Conservation Reserve Program, and it will provide financial incentives to farmers to convert marginal crop lands to more sustainable use, with a direct emphasis on wildlife.

So, in conclusion, Mr. Chairman, we strongly support the proposed North American Wetlands Conservation Act. We are prepared to do our part in helping fulfill Canadian commitments. As a continued loss and degradation of wetlands throughout North America, together with the recent severe climatic conditions, now make the plan's implementation an even more compelling necessity, we believe that the North American Wetland Conservation Act can make the plan happen.

Thank you.

Senator BAUCUS. Thank you very much, Mr. Neave. We appreciate you coming this far to testify.

Senator DURENBERGER. Mr. Chairman.

Senator BAUCUS. Senator Durenberger.

OPENING STATEMENT OF HON. DAVE DURENBERGER, U.S. SENATOR FROM THE STATE OF MINNESOTA

Senator DURENBERGER. Might I ask unanimous consent that my statement, in support of S. 804, be included in the record.

Senator BAUCUS. It will be included.

Senator DURENBERGER. Thank you.

[Senator Durenberger's statement follows:]

OPENING STATEMENT OF HON. DAVE DURENBERGER, U.S. SENATOR FROM THE STATE OF MINNESOTA

Mr. Chairman, in the last several decades this nation has seen a tragic loss in wetlands and waterfowl. The bill before the committee, S. 804, The North American Wetlands Conservation Act of 1989, takes a very important step toward reversing this loss. That is why I am pleased to be a cosponsor and plan to work very hard for the Act's rapid passage.

When Columbus landed, this country had over 200 million acres of wetlands; now there are less than 100 million. From the mid-1950's to the mid-1970's, 9 million acres of wetlands were lost in the continental United States. And we are still losing an estimated 450,000 acres of wetlands each year.

The Prairie Pothole region of the Upper Midwest once contained 20 million acres of wetlands; now there are only 7 million acres. This region, consisting of Minnesota, Montana, North and South Dakota, Iowa, and the Canadian provinces of Manitoba, Saskatchewan, and Alberta, is home to nearly 50 percent of the nation's migratory waterfowl. Thus, the wetlands loss has devastated waterfowl populations.

To stem this loss, the United States, Canada, and Mexico joined hands in 1986 to protect wetlands for waterfowl. They created the North American Waterfowl Management Plan. The Plan will restore waterfowl populations to that of the 1950's by protecting or restoring nearly 2 million acres of wetlands in the United States and over 3.5 million acres in Canada. The bill before us, The North American Wetlands Conservation Act of 1989, will legislatively implement the Plan.

S. 804 establishes a nine-member commission which will review wetlands enhancement projects and make funding recommendations to the Secretary of the Interior. The funding will come from 1) the investment earnings on Pittman-Robinson funds, (about $10 million), 2) fines and penalties, and 3) $15 million from appropriations. Priority funding shall be given to projects that have state or private matching money.

The bill also addresses a key concern of mine by protecting the tax base of local governments. Funds under this Act cannot be used to purchase wetlands unless full funding is provided under the Refuge Revenue Sharing Act.

Mr. Chairman, as we pursue President Bush's shared goal of no net loss of wetlands, the passage of this Act is an essential step. It is a necessary step to stem the tragic decline of wetlands and the waterfowl that are dependent on them.

OPENING STATEMENT OF HON. JAMES M. JEFFORDS, U.S. SENATOR FROM THE STATE OF VERMONT

Senator JEFFORDS. Mr. Chairman, may I do likewise?

Senator BAUCUS. Of course.

Senator JEFFORDS. Thank you.

Senator BAUCUS. We are in receipt of a statement from Senator Conrad which we will insert in the record immediately following Senator Jeffords.

[Senator Jeffords' statement and Senator Conrad's statement follow:]

OPENING STATEMENT OF HON. JAMES M. JEFFORDS, U.S. SENATOR FROM THE STATE OF VERMONT

Good morning, Mr. Chairman, and thank you for convening today's hearing to discuss this legislation to promote the perfection and longevity of wetlands areas in North America.

It has been only recently that so many people have come to realize the crucial nature of wetlands. As spawning grounds for diverse plant and animal species, filtration and aeration system for water runoff, habitat for endangered and migrating animals, and nature's effective flood control mechanism, wetlands are truly unique and valuable areas.

Today's hearing is to discuss an important bill that would bring together various federal and private efforts geared toward protecting our nation's most critical wetlands. S. 804 would create the mechanism to implement in the field that which previous laws have determined are in the best interest of our continent. The bill would allow federal efforts to merge more effectively with various state and private efforts in order to satisfy the mutual goal of preserving and protecting North America's most important wetland areas.

As development and recreation activities infringe on areas once isolated from human encroachment, it is crucial that we have workable laws and regulations to preserve significant areas. This is a two-pronged issue. On the one hand, our rules must not be so stringent to suppress growth without warrant. Our laws must provide flexibility in accommodating state and local plans within communities. There are ways to compensate for the loss or alteration of marginal areas within a community without jeopardizing natural ecosystems. The battle is fought among local planners continuously, and perhaps a future hearing on this subject is warranted, so that our best intentions in Washington do not create unnecessary bureaucratic jungle back home.

But today's hearing addresses the other front of this battle—identification and preservation of the most critical wetland areas. S. 804 strives to ensure that our migratory bird species have ample habitat to ensure their survival and proliferation. If we can sustain an abundance of waterfowl throughout North America, then we will show that our social demands will not be satisfied at the expense of the needs of other creatures with whom we share the continent. In many ways, migratory birds are a litmus test of our ability to maintain biological diversity in North America.

I commend the organizations that are represented by witnesses here today, as well as the countless other groups and individuals not represented whose efforts deserve praise. The nation owes a debt to these people who have spurred action at a federal level through the example of their work within private organizations at the local level. Taxpayer money spent for wetland protection often must be matched by private funds, and it is a credit to the coalition of environmentalist, sportsmen, and interested citizens who have raised so much money in the past, and who have indicated an ability to continue and expand these efforts.

For the sake of our ecologically precious wetlands, we in Congress must match their work.

STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Mr. Chairman: I thank the chair for the opportunity to comment on S. 804, "The North American Wetlands Conservation Act."

Mr. Chairman, my comments today on this bill are concerned with section 9, entitled "Refuge Revenue Sharing." This section provides that no payments may be made by the Secretary of the Interior to acquire lands or waters for inclusion in the National Wildlife Refuge System unless the Refuge Revenue Sharing Fund is fully funded for that fiscal year. The section also provides for an exception to the provision in the case where the federal government conveys wildlife refuge land back to the state from which it came. I strongly endorse the requirement of full funding for the Refuge Revenue Sharing Fund as provided in this bill.

In 1935, the Refuge Revenue Sharing Act was enacted into law. The act provided for federal payments to units of local government in partial compensation for property tax revenues lost when land is transferred to federal control for a Wildlife Refuge. These payments originally came out of revenues received by the Department of Interior from sales of timber and other products, and from leases for public accommodations or facilities near Wildlife Refuges. As time passed, these revenues were not sufficient to provide all of the money needed for the Fund, and a Congressional appropriation became necessary.

In recent years the appropriation has fallen victim to tight budgets and, as a result, only partial payments have been made to local governments. Last year only 59% of the payments were made. This has caused severe hardship in many counties which have National Wildlife Refuges within their jurisdiction, and it is becoming a disincentive to states to run over more lands for Refuges.

The shortfall last year in the Fund was not billions or hundreds of millions of dollars, but less than $7 million. But this shortfall represents far more than money. It represents trust and an obligation on the part of the federal government. When the Refuge Revenue Sharing Act became law the federal government made a promise to state and local governments that they would be compensated for the loss of property taxes from land which they turned over to the federal government for development of wildlife refuges.

In recent years, the federal government has simply broken its promise. Now many of us in the Senate read in the newspapers or hear from constituents that no more lands should be given up for wildlife refuges. If this should happen, then we are facing a great tragedy. We will be making it more difficult to obtain land for wildlife refuges in an era when we are losing valuable wetlands and refuge lands. If we don't address this shortfall, we face a loss of trust and of valuable refuge land—because of a $7 million shortfall in the Refuge Revenue Sharing Fund.

There are a number of ways that the situation can be redressed. The preferred mechanism, of course, is for the administration to request and the Congress to appropriate all of the money authorized for the Fund. This may not be possible this year. Another approach is the one taken by this bill. S. 804. It requires that full payments be made under the Refuge Revenue Sharing Act before any land or water acquisitions can be made under this act. While I prefer full appropriation for the Fund, this bill provides a reasonable approach to solving the problem.

I concur with the approach that Senator Mitchell has taken in section 9 of S. 804, and I urge the subcommittee to support it.

Thank you Mr. Chairman.

Senator BAUCUS. The next witness is Mr. Connolly with Ducks Unlimited.

Mr. Connolly, we appreciate your presence this morning and look forward to your testimony.

STATEMENT OF MATTHEW B. CONNOLLY, JR., EXECUTIVE VICE PRESIDENT, DUCKS UNLIMITED, INC.

Mr. CONNOLLY. Thank you, Mr. Chairman. Thank you, distinguished members of the committee. I'm Matt Connolly, Executive Vice President of Ducks Unlimited. And it is my distinct honor to be here today to testify in support of Senate 804, legislation which Ducks Unlimited considers crucial to the recovery of waterfowl as well as many endangered and threatened species throughout North America.

In addition to my position with Ducks Unlimited, I also serve as the Chairman of the U.S. Implementation Board of the North American Waterfowl Management Plan. This Board is comprised of some 17 organizations who have coalesced to promote and implement the plan.

I know that many of you are familiar with Ducks Unlimited and the work we do. And a few of you are either members or sponsors, and let me say that we greatly appreciate your support in that regard.

Since 1937, DU has pioneered North American waterfowl conservation by raising monies throughout the United States to restore and develop crucial nesting, staging and wintering habitat for the continent's wild ducks and geese.

And over the past half century, DU has spent in excess of a half a billion dollars to protect and enhance more than 5 million wetland and upland acres in Canada, the U.S. and Mexico. And this year's goal is to raise $65 million for habitat restoration.

The North American Waterfowl Management Plan is our one real hope for the recovery of the continent's waterfowl and other wetland wildlife. The loss and degradation of habitat and the drought of the past several years, present the greatest problem and challenge for waterfowl management in the history of North America.

Nearly 100 million acres, or more than 50 percent of the original wetlands in the United States, have been destroyed. Annually, more than 400,000 wetland acres are lost to urbanization, converted to agriculture and destroyed for other purposes.

I would like to now just talk a moment about the Plan. There is one very important aspect of this plan which I think has gone misunderstood for too long. The Plan benefits all species of wildlife, and indeed it benefits mankind as a whole. The Plan identifies critical areas in North America which must be preserved. It is no mistake of nature that these areas are also crucial to the bald eagle, the peregrine falcon, the piping plover and many other imperiled species of wildlife.

While the Plan establishes broad policy framework necessary to restore our continent's waterfowl populations to their pre-1970 level, its success depends on the full participation and cooperation of the public and private sectors together.

DU, as well as the other members of the Implementation Board many of whom are represented here this morning, understand the concerted effort that is required behind this effort. I am pleased to say that DU alone has pledged in excess of $300 million to the plan. Canada has also made significant budget plans for the North American Plan, and this indeed is most comforting.

The only player we are missing at the present time is the Federal Government. And what I see in this legislation is, what is lacking right now. We have a blueprint in the form of the North American Plan. This blueprint was crafted by all of the best architects in the form of the best biologists, and waterfowl and wetlands experts who put this blueprint together. We have captured the public's interest. We've got all kinds of people, the private and public sector together, anxious to put this into action. We are lacking dependable funding to provide us with the tools, and the building materials needed to deliver the promise of the Plan. We are also lacking a definitive organizational structure, a framework the processes by which we can all agree to work. This is what this particular legislation offers. We can seize the opportunity that the plan has brought to us to date. This legislation brings us the means by which to achieve it organizationally, and financially.

Senate 804 is far more than just rhetoric, it is indeed an uncommon opportunity to capitalize on the North American Plan which gives us something that is most unique, a chance to work together, three nations as partners, the private and public sector. We cannot afford to miss this chance. If ever there was good timing, in this case, we know that waterfowl are in their most dire straits. We know that their habitats have been most perturbated. Now we have a chance to react as a society to turn that around positively. And I believe that this legislation affords us the opportunity to do that.

We thank you for having the foresight to put it together, and we look forward to working with you in this regard. Thank you.

Senator BAUCUS. Thank you very much, Mr. Connolly.

Our next witness is Mr. Massengale with the Nature Conservancy.

STATEMENT OF THOMAS MASSENGALE, VICE PRESIDENT FOR MAJOR PROGRAM DEVELOPMENT, THE NATURE CONSERVANCY

Mr. MASSENGALE. Mr. Chairman, members of the committee, good morning. My name is Thomas Massengale. I'm Vice President for Major Program Development for the Nature Conservancy. I would like to thank the committee for the opportunity to present the Nature Conservancy's views of S. 804, the North American Wetlands Conservation Act. The Nature Conservancy strongly supports S. 804, and we commend Senator Mitchell, yourself, and the other sponsors of the bill, for your foresight and commitment in introducing this important piece of conservation legislation.

The Nature Conservancy is a national, nonprofit conservation organization with over 500,000 members. Our principle objective is to preserve this Nation's biological diversity by identifying and protecting important ecosystems and rare species habitats. Towards that end, we have protected over 3 million acres of ecologically significant land since 1954. We've acquired this land and managed this land both ourselves and in cooperation with Federal, State and other private groups.

Much of our conservation work is centered on the protection of wetlands. While we recognize—all of us recognize that wetlands serve many critical ecological functions, one of the most important functions typically goes unrecognized, and that is their role in providing habitat for rare species. Studies have shown that approximately 35 percent of all rare, threatened and endangered species are dependent on wetlands for all or part of their life cycle. Therefore, if the Conservancy is going to succeed with its mission, it is going to have to protect wetlands. But the scope of the job of protecting America's wetlands is far too great for the Conservancy, or for that matter for the entire capacity of the private conservation movement.

If we are to succeed in our mission, we must form an effective partnership between both public and private sector conservation agencies. The partnership must be one that leverages both public and private human and financial resources, and directs those resources towards the most important and threatened wetland areas. We believe that the framework for such a National wetland conservation partnership exists in the North American Waterfowl Management Plan. We fully support the goals of the North American Plan, and we feel it provides a wonderful opportunity and vehicle for waterfowl, nongame, and endangered species, and ecosystem conservation.

For the Plan to work, however, we need a catalyst. The North American Wetland Conservation Act provides a near perfect catalyst to the Plan in our opinion. It does so for the following reasons: One, it provides essential matching funds which will challenge the private and State public sectors to spend their own dollars in this effort; two, it provides meaningful participation in the process by State agencies and private sector partners through the nine-man commission; three, it recognizes the significance of success not only in the U.S., but in Canada and Mexico as well, and provides matching support for wetland efforts in those countries; and four, it provides stability for the entire effort. Just knowing that Federal matching funds will be in the pipeline from year to year, will give the partners the opportunity to do the type of creative long-term planning that is necessary to protect multi-ownership and multi-million dollar wetland areas.

I cannot overemphasize how critical the funding inherent in S. 804 is to making the North American Waterfowl Management Plan work. The Plan without funding is but a dream. And this is a dream that we have to bring to reality. S. 804 not only provides essential funding for the Plan, but as I've said before, it does so in a creative way that will leverage State and private sector participation and financial support. By sharing the cost of the plan, the overall dollar goals of the plan which are ambitious, about $1.5 billion, are obtainable. If the Federal Government will lead by making matching funds available, the rest of us will follow with our dollars. We will follow for several reasons. One is we are deeply committed to the goals of the plan. Two, the match that you offer is highly attractive and our competitive spirits, I think, will be driven by that match. You can anticipate that we'll scrap to see that every dollar that's on the table will be spent and will be well spent.

Let me give you several examples of how leverage has worked within the Nature Conservancy through challenge matches. I think we can trace our enormous growth over the last 10 years to two principal programs. One was the Katherine Ordway Endangered Species Program. Ms. Ordway, at her death, left about $35 million to the Goodhill Foundation, with the instructions that that money be spent to protect the most important endangered species habitats in the Country. The Foundation trustees, instead of just turning it over to groups like TNC and Audubon, challenged us to match it two to one. As a result, our State chapters rose up and we raised over $100 million of other dollars that wouldn't have come without that match. Some of our State programs were very small at the time we did that. They thought $100,000 fundraiser was beyond them, and yet they raised several million with this challenge.

The other was the R.K. Mellon National Wetland Conservation Program, funded by a $25 million grant by the Mellons. Through that we challenged State and Federal Governments to protect over $125 million worth of critical habitat. These challenges really make the money come. And I think they're built into this bill beautifully, and we really support its passage, and hope that it will come to pass.

Thank you.

Senator BAUCUS. Thank you, Mr. Massengale.

Mr. Greenwalt, you're next.

Mr. GREENWALT. Thank you, Mr. Chairman.

Senator BAUCUS. If you could compress it maybe into four minutes, it will help because we have a vote going on.

Mr. GREENWALT. I will make it four minutes easily, Mr. Chairman.

Senator BAUCUS. Thank you.

STATEMENT OF LYNN A. GREENWALT, VICE PRESIDENT, INTERNATIONAL AFFAIRS, NATIONAL WILDLIFE FEDERATION

Mr. GREENWALT. I'm Lynn Greenwalt, and I'm Vice President of the National Wildlife Federation. I'm also my organization's representative to the U.S. Implementation Board of the North American Plan. I'm here to speak in behalf of our 5.8 million members and supporters, as well as a variety of other conservation organizations listed in the testimony.

The organizations I'm empowered to represent support the broad objectives of the North American Plan, and we certainly endorse the general purposes of S. 804. Each of the organizations, however, may want to comment in greater detail as the legislation unfolds, and represent their views on specific parts of it.

Wetlands and their protection are a major element of environmental concern these days. I'm told that nine wetland bills, including this one, have been introduced in the 101st Congress with more to come. That's a good sign, I think, because it reflects a strong and growing concern, and increased understanding about a resource which has been disappearing rapidly and steadily. This bill is in part a reaction to that concern, and highlights one of the consequences of wetland loss: A serious and continuing decline of waterfowl in North America.

S. 804 also gives appropriate recognition to the North American Waterfowl Management Plan, and provides at least some assured funding for the plan, and we certainly support this.

At the same time we suggest the bill should also reflect formal support for what is now national policy, as expressed several times by President Bush, the idea of no-net-loss of wetland resources, and in the longer term, an increase in the nation's wetlands. This is simple, strong, and practical policy. We urge its restatement and formal endorsement in this legislation.

The measure, S. 804, embodies several provisions we believe are important. It retains the general idea of user fees that have been the heart of successful conservation programs of the past. More importantly, perhaps, it reinforces the use of partnerships, cost-share challenges among governments at several levels, and within the private sector. The execution of the plan thus far reflects the power and impact of these cooperative ventures. As a matter of fact, in a few hours a major project called Lake Thompson in South Dakota will be dedicated, a function of this joint venture process.

This bill also assures a continuing and relatively stable source of funding for carrying out the plan. And finally it puts to rest one of the minor, but vexing problems that has confronted Federal land acquisition for a long time. I refer to the chronic shortfall in funds needed to bring the Refuge Revenue Sharing Act up to equity and to full force, and will make it possible for counties to have some of the burden of the Federal entry into the local tax system, a relief somewhat.

We think there are probably certain additions to the legislation which may be worthy of consideration. They're spelled out in my lengthier testimony. One of these, however, I might mention in passing. And that is the possibility of using the power of the Federal Highway Administration and its authority, responsibility, for enforcing the idea that highway rights-of-way cannot be used as vehicles, elements in the drainage of wetlands. And the fines derived therefrom added to the funding available for this program.

This legislation is important, it is timely, it is badly needed, and we support it wholeheartedly, Mr. Chairman. I appreciate the opportunity to appear here in this context, and I and my organization, and those that I represent, are prepared to help the committee as this advances.

Senator **Baucus**. Well, you've been very helpful in the past, Mr. Greenwalt. We appreciate that.

The committee will now recess for 10 minutes. There's a vote going on now.

OPENING STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM THE COMMONWEALTH OF VIRGINIA

Senator **Warner**. Mr. Chairman, could I introduce this statement for the record?

Senator **Baucus**. Absolutely.

[Senator Warner's statement follows:]

Opening Statement of Hon. John W. Warner, U.S. Senator From the Commonwealth of Virginia

Mr. Chairman, this is a timely topic and one that is important to me and the people of Virginia. I commend you, Mr. Chairman, for moving so expeditiously on this issue at a time when the Subcommittee is working on a number of other important issues.

Mr. Chairman, less than half of the original acres of wetlands in the contigious 48 states remain today and the destruction continues. This must stop.

In recent years, we as a Nation have become much more aware of the importance of wetlands. As the representative of a coastal state and one that borders on the Chesapeake Bay, I am particularly sensitive to the important benefits—commercial, recreational, scientific, and aesthetic—provided by wetlands.

It is essential that the Congress explore creative avenues to stop the loss and degradation of wetlands in this country and in our neighbors to the north and south. Migratory birds and waterfowl know no boundary and international cooperation is necessary to preserve wetland and waterfowl habitat.

In a time of severe budgetary restrictions, it is also important to explore creative ways to maximize federal dollar value. To this end, partnerships between federal and state government and between government and the private sector hold out the promise of effective use of federal tax dollars.

I want to welcome the witnesses here today and say that I am looking forward to hearing their testimony.

Thank you, Mr. Chairman.

Senator BAUCUS. To give you a full opportunity, Mr. Williamson, I'm going to recess now for 10 minutes and come back and then we'll wrap up the hearing afterwards. Thank you very much.

[Recess.]

Senator BAUCUS. We'll come back to order.

Our final witness is Mr. Lonnie Williamson, Vice President of Wildlife Management Institute.

Mr. Williamson.

STATEMENT OF LONNIE L. WILLIAMSON, VICE PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. WILLIAMSON. Thank you, Mr. Chairman.

I'll just make a couple of quick points. First, I want to say that we support S. 804, and we do encourage the committee to move as expeditiously as practicable to report it out favorably.

A couple or three concerns we have about the bill. First, we'd like to point out that that funds derived under this legislation from PR would go to a purpose different than was anticipated by the PR Act, which is State programs. Certainly these are new funds, but they still can be considered a part of PR, and this different use might create some problems down the road. The purpose of PR from its inception has been to finance State agencies, which are legally responsible and accountable for fish and resident wildlife. And our concern here stems from the fact that this basic tenant has been used quite successfully over the years to fend off attempts to capture PR money for purposes other than wildlife.

Our second concern is the absence of a date certain when the interest on PR money would be redirected from the Fish and Wildlife Service to normal State appropriations. We would like to see a date certain put in the bill when this interest will revert from Federal wetlands acquisition to the State programs.

Our third concern is just a problem of wording. In Section 683, the bill allows the Secretary to convey real property interest purchased under the Act to State, Federal and private organizations for uses other than wildlife. And we point out in our statement there may be some misunderstandings there, at least on our part, and it could be with some other people. And we would hope that the committee would take a close look at that and see that it does do what the committee intends.

I thank you very much, Mr. Chairman, and again, we would hope that the committee could report this bill out favorably at its earliest convenience.

Thank you.

Senator Baucus. Thank you all very much, gentlemen.

Mr. Robinson, you've heard the testimony of all the witnesses, and each witness represents a very significant organization, they strongly support the legislation, and similarly support the purpose and intent of the legislation. Organizations have also put their money where their mouths are. I mean, there are very deep, strong financial commitments.

For example, Ducks Unlimited, which is donating $300 million above its contribution. And the question is, why isn't the Administration on board?

Mr. Robinson. Well, Mr. Chairman, as I explained in the testimony, or stated in the testimony, we support the concept of this legislation, and in particular the emphasis on coming up with a structure for implementation of the plan. We think there are some possibilities for improvements there that can be made.

And secondarily, the bill talks about and speaks to broadening the base of input into the plan, and implementing the plan, utilization of conservation organizations, private organizations in the process. And we would agree with that.

Senator Baucus. Does supporting the concept, as you said, the position of Secretary Lujan, and does that mean financial support?

Mr. Robinson. It does not at this time, Mr. Chairman. Until the task force, the Domestic Policy Council Task Force has met and made its recommendations, the Administration is not prepared to make any recommendations on—or to accept any recommendations on wetlands.

Senator Baucus. Well, this is June 1st. Why hasn't the Administration come up with a position yet?

Mr. Robinson. Well, I think the Administration has done a lot since the President took office. The task force has not been named, but that doesn't mean that the agencies that are going to be inputting in the council haven't been doing things.

For instance, in the Department of Interior, the Secretary has asked us, meaning all the bureaus in the Department, to delineate our water related wetlands related activities. The Bureau of Reclamation, the Bureau of Land Management, and the Fish and Wildlife Service, and the other bureaus in the Department, in preparation for the naming of the task force. As you know, the wetlands related regulatory process, the agencies involved are numerous, and I think when the task force is named, and I hope it is very soon, and I've been assured it will be very soon, that we'll be able to hit the ground running. And by we, I mean the agencies involved.

Senator Baucus. Okay.

I don't mean to give you a hard time, but what's the delay? What's happened?

You know the Republican Platform, you know the President's statements about not only no more deterioration of wetlands, but restoring and increasing their numbers. I mean that's the President of the United States. He's your boss.

Mr. **Robinson**. Well, he sure is. And I don't want to place everything, or hold off everything, or give you the impression that we're holding off everything until that task force is named. We are not. And one of the most important changes in this Administration and the last from a management standpoint for me, as a manager of an agency, has been the fact that we've got a President, somebody in the White House, who backs us on wetlands. And who has very repeatedly stated that no-net-loss is his policy. I know that has to be defined. And it has to have some specificity placed in it.

But the power that has, when the Chief Executive Officer of the Country says that's his policy, albeit unspecified at this point, gives us, conservation agencies within the Government, much more latitude, and much more strength at the table with other agencies in the Federal Government. And I've seen a real change in the attitude of other more development oriented agencies within the Federal Government. That's been helpful.

Senator **Baucus**. Do you have a personal view as to the degree to which the Federal Government should give financial support to the program?

Mr. **Robinson**. Well, my personal view is that we haven't done enough. But I think much has been done, and I don't think that should be dismissed, or forgotten. I think a lot has been done.

Senator **Baucus**. But personally do you support the bill, apart from your agency? I mean, not speaking for your agency, just speaking for yourself?

Mr. **Robinson**. Well, I can't divorce myself from the Administration in this case, Mr. Chairman. And as I said, certain aspects of the bill, the structure, the utilization in bringing more of private conservation groups and their input is laudable, I think. The funding aspect we have to look at in the mix of funding proposals that I think will come out of the task force.

Senator **Baucus**. As you know, the plan contemplates improving 3.6 million acres of habitat in Prairie Canada, and that's going to approach about $1 billion in costs during the 15 year period. And, as you know, about 25 percent of that is contemplated to be raised by Canadian interests, and about 75 percent raised by U.S. interests. Would you agree that a significant portion of that $750 million to be raised by U.S. interests is going to have to come from the Federal Government?

Mr. **Robinson**. I'm not sure what significant would mean, Mr. Chairman, but I think it is a proper use of the term, that the Federal Government is going to have to be significantly involved. But certainly not totally.

Senator **Baucus**. Do you think it is fair to say that delay of the Federal Government reduces the efforts of other organizations to participate in putting up matching funds to implement the program? Does it have a dampening effect?

Mr. **Robinson**. Well, I haven't noticed that in what's happened in the last couple years. For instance, last year——

Senator **Baucus**. Do you think it might, though, in the future?

Mr. **Robinson**. Pardon me?

Senator **Baucus**. Do you think it might in the future if the Administration continues to not support the bill, or if the Administration continues not to request appropriations for the program?

Mr. ROBINSON. Well, as you know, we have requested in the Administration, at this time, has requested significant funds for expenditures of wetlands.

Senator BAUCUS. Did you request appropriation of matching funds for the National Fish and Wildlife Foundation in fiscal year 1990?

Mr. ROBINSON. No, we did not.

Senator BAUCUS. Isn't that a problem?

Mr. ROBINSON. Well, I think it's a problem, but I think it's one that they overcame. It's been a successful program, and the Canadians have joined us in that effort.

Senator BAUCUS. But has the Administration requested any funds to undertake any habitat improvement in Canada?

Mr. ROBINSON. No, sir.

Senator BAUCUS. Don't most waterfowl breed in Canada? Isn't that where most of the wetlands are that we're attempting to protect?

Mr. ROBINSON. It does. And that's where the private sector, and State governments, and the Foundation, the National Fish and Wildlife Foundation has helped in that effort.

Senator BAUCUS. What really surprises me is that this is one of the few areas where there is tremendous private support and participation, tremendous private effort, a large amount of private contributions, and under the concept of matching grants. I would think that the Administration would want to take advantage of those kinds of opportunities, it's a much better use of Federal dollars compared with programs where there are only Federal dollars and are not matched by private or other government sources. I'm just surprised that this Government does not take advantage of the financial interest that private and public organizations have in matching Federal efforts.

Mr. ROBINSON. I think, Mr. Chairman, that will be one of the issues that will be on the table before the task force.

Senator BAUCUS. Does the statement in the second paragraph of your testimony, that Secretary Lujan supports the concept of the legislation, indicate that the Administration recognizes that it has a substantial financial responsibility to fund wetlands conservation projects in Canada?

Mr. ROBINSON. Well, I think it recognizes that we have a responsibility to the overall continental waterfowl population. And the mix of how that's done with private and State, and Federal involvement is something that's going to have to be worked out. But it certainly recognizes the continental population and how it has to be dealt with problem—the waterfowl problem has to be dealt with on a continent basis.

Senator BAUCUS. But that is the concept, right?

Mr. ROBINSON. Well, whether the funding comes directly from the Federal Government to Canada, is an issue that's going to have to be looked at. But, I certainly recognize that it's a continental problem.

Senator BAUCUS. Well, as you know, there are many bills introduced, and there's widespread support in the Congress, and I strongly urge the Administration to act very quickly.

Can you give me an idea as to when the Administration might appoint these members to the task force, and second, when the Administration might come up with its position?

Mr. ROBINSON. Well, what I can tell you, Mr. Chairman, is that we received, and the Secretary received, and other Cabinet members, a memo dated May 23rd from the President asking him to ask in the Cabinet to name individuals to the Domestic Policy Council Task Force. So, from that, I would assume, and I'm making an assumption, not something that I've been told or know, that it will be very soon.

Senator BAUCUS. We're not talking about a lot of money here in the scheme of the total Federal budget, are we?

Mr. ROBINSON. I understand that.

Senator BAUCUS. And we're also talking about a program that has immense values. It's not just the waterfowl values, but also flood control. Wetlands recharge aquifers, also very valuable to other forms of animal life, other than waterfowl. I mean, just immense values of wetlands. And Mr. Peterson was eluding to some of them. Others have.

Mr. ROBINSON. Well, I hope I did, too.

Senator BAUCUS. Well, it's action—it's deeds, not words, that's what counts. You know, it's financial support that counts.

Mr. ROBINSON. And, Mr. Chairman, I think that's been there. Maybe not to the level that some would prefer, maybe some within even my organization. But I think it's been there.

Senator BAUCUS. Could you tell me who's going to serve on this task force, because there have been no nominees yet named for Assistant Interior Secretary for Fish and Wildlife, and Parks, or Director of the Fish and Wildlife Service? So, how are we going to set up this task force if we don't even have those nominees yet?

Mr. ROBINSON. I don't know who it's going to be as in level within the Department of Interior, except that it will be at a high level. And that person, as far as I know, has not been chosen. Obviously, it won't be a sitting director, of the Fish and Wildlife Service, or an assistant secretary, because we don't have one yet.

Senator BAUCUS. The only person of a high level that I know of is the Secretary. Is he going to be the task force?

Mr. ROBINSON. I don't know if he'll be on the task force, but he's let it be known to us in Interior that he's going to keep a very close eye on what's done and the recommendations made. He's taken a personal interest in it.

Senator BAUCUS. Well, I'm not going to belabor the point, but I just think it's reprehensible this Administration is delaying and not, frankly, strongly advocating a program which makes imminent sense. It just confounds me, frankly.

Do any of the other witnesses have any questions or points they want to make to Mr. Robinson?

[No response.]

Senator BAUCUS. I'd like to address a point to our friend from Canada. I think I heard you mention some kind of a CRP which encourages farmers to set aside some land that might be wetlands to promote wetland development. Is that true?

Mr. NEAVE. That's correct. Canada's National Soil Conservation program, it's called, started three years ago. And has been delayed like the implementation of the North American Plan in many ways. But they have been put together, on purpose, and the Federal Government has announced $150 million be set aside for the Soil Conservation Program over the next three years. And a large component of that is what's called the Permanent Cover Program, which is equivalent to your Conservation Reserve Program, with an objective being for wildlife habitat conservation.

Senator **Baucus**. And how much has gone into habitat protection and conservation? That is, what portion of the Canadian Conservation Program, is land set aside for waterfowl wetland habitat?

Mr. **Neave**. It will depend on—there's no known figure, unfortunately. It will depend on which farmers will pick up on the program. There are objectives for each province. The Federal Department of Agriculture and Federal Department of Environment, along with the three provinces have—prairie provinces, have designed sort of priority areas, but not all areas that have serious soil degradation are also important wetland areas.

Senator **Baucus**. I have no further questions, unless anyone has something he wishes to say at this point.

[No response.]

Senator **Baucus**. This is important legislation, and the subcommittee plans to move this legislation, and I very much thank the attendance of the witnesses.

The subcommittee is adjourned.

[Whereupon, at 11:30 a.m., the subcommittee was adjourned to reconvene at the call of the chair.]

[Statements submitted for the record and the Bill S. 804 follow:]

STATEMENT OF STEVEN ROBINSON, DEPUTY DIRECTOR, UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION OF THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, REGARDING S. 804, THE NORTH AMERICAN WETLANDS CONSERVATION ACT

June 1, 1989

Mr. Chairman, I am Steven Robinson, Deputy Director of the United States Fish and Wildlife Service, Department of the Interior. I am here today to discuss the Department's views on S. 804, the North American Wetlands Conservation Act.

I want to assure the Committee that Secretary Lujan shares your concerns over implementation of the North American Waterfowl Management Plan, and on the overall problem of loss of wetlands. He supports the concept of the legislation. Because he intends to be very active on these issues, we look forward to working closely and cooperatively with you.

On May 23 the Administration announced the establishment of an Inter-Agency Task Force on Wetlands under the auspices of the Domestic Policy Council, on which the Department will be represented. The Task Force will --

- o recommend ways to revise and strengthen the existing Executive Orders on wetlands protection and floodplain management;
- o establish no-net-loss of wetlands as a national goal;
- o provide clear direction to Federal agencies for strengthening, implementing and enforcing wetlands protection, maintenance and restoration;
- o coordinate agency involvement in achieving the no-net-loss goal;
- o study and recommend ways that the State and local governments and the private sector can be encouraged to support the no-net-loss goal;
- o assess implementation of the no-net-loss goal to determine what further steps might be necessary; and
- o solicit the views of State and local governments, and the private sector, on wetlands issues generally.

The activities of the Task Force should play a major role toward meeting the objectives of the United States portion of the North American Waterfowl Management Plan (Plan). We believe the activities already undertaken to implement the Plan, as I will discuss shortly, can serve as models for many of the Task Force's objectives. The Department of Interior will strongly advocate including Plan objectives in all aspects of the Council's recommendations.

Names of representatives on the Task Force from the various Departments and agencies were to be forwarded to the White House earlier this week, and I anticipate a formal announcement of the members in the very near future. Until the Task Force has been established and begins its work, the Administration is not in a position to comment on or support specific proposals for wetlands conservation measures. Development of such recommendations will be among the first things the Task Force will address.

I would like to discuss some of the things the Department, and more specifically the Service, is doing to protect, manage, restore, and enhance wetlands, both toward implementation of the North American Waterfowl Management Plan and generally.

In the Department's fiscal year 1990 budget request for land acquisition, over $7.6 million has been requested for land acquisition at four projects of high priority to the Plan. These funds, if approved by Congress, will protest more than 10,760 acres. We are also requesting $6.8 million in funding for implementation of enhancement and restoration efforts associated with the Plan.

Secretary Lujan has formed a new Intra-Departmental Water Policy Council, to establish a coordinated approach to water management and policy development within the Department. He has also directed the Bureau of Reclamation to continue to give a high priority to the environmental implications of its activities and its new environmental initiatives. As an initial step in this direction, the Secretary has ordered the revision of the three draft Environmental Impact Statements previously issued by the Bureau for the sale to surplus water from the Central Valley Project in California. These documents will be re-issued for public comment in the future.

To prepare for the work of the Inter-Agency Task Force, the bureaus within the Department have initiated a review of all water- and wetlands-related aspects of their operations. One area that is being reviewed is the role of the Migratory Bird Conservation Commission. We are examining how the Commission's current mandate fits into the Administration's objectives, and whether it might play an expanded role in the future.

We do hope that it will be possible to accommodate implementation of the Task Force's recommendations, and any new legislation that might result, within the existing governmental framework. With the current budgetary situation, resources available for wetlands are probably best utilized for enhancement, management, protection and restoration activities.

The Fish and Wildlife Service's wetlands activities include the following:

- o Implementation of the North American Waterfowl Management Plan, including--
  - cooperation with the National Fish and Wildlife Foundation in utilizing a $2 million appropriation,

and $4 million in non-Federal matching funds secured by the Foundation, for acquisition and enhancement activities in Canada

- establishment of joint ventures with States, business and industry, conservation organizations and private landowners in the United States and Canada

o Land acquisition from the sale of "duck stamps", as approved by the Migratory Bird Conservation Commission. In fiscal year 1988, the Service acquired 65,846 acres using $31.7 million from the Migratory Bird Conservation Fund. As of March 31, $14.8 million had been obligated to acquire 32,831 acres in this fiscal year.

o Management of the National Wildlife Refuge System, which contains over 34 million acres of wetlands.

o National Wetlands Inventory -- We are mapping our wetland resources. Since 1979, approximately 60 percent of the lower 48 states, 16 percent of Alaska, and all of Hawaii have been mapped.

o Assessing the impacts of Federal program on wetlands -- The Service has been actively involved in preparing the reports to Congress required by the Emergency Wetlands Act of 1986.

o Permits and projects -- The Service is one of the primary advisors to the Corps on Engineers and the Environmental Protection Agency on permits under Section 404 of the Clean Water Act, and to the Corps and the Bureau of Reclamation on the impacts of various water projects on wetlands and wildlife resources.

o Farm Bill -- The Service is actively working with American farmers through several programs designed to assist them to managing their lands to protect, restore and enhance wetlands. These activities include sodbuster and swampbuster compliance. In addition, the Department of Agriculture and the Service are developing procedures for the acquisition of conservation easements and for land transfers of high priority wetlands.

o Contaminant analysis -- Over 90 percent of our environmental contaminant work deals with wetlands.

o Endangered Species -- More than one-half of our domestic threatened and endangered animal species, and one-third of the plant species, are dependent upon wetlands.

o Federal Aid program -- The Service administers Federal Aid funding to the States and territories for fish and wildlife restoration programs, including wetlands acquisition.

- Wetlands delineation -- On January 10, 1989, the Service signed an agreement with the Corps, EPA, and the Soil Conservation Service on a common manual for identifying jurisdictional wetlands.
- Education programs -- The Service is assisting with a variety of wetland educational programs around the country, aimed at farmers and other non-traditional constituency groups.
- International treaties -- The Service has primary responsibility for implementing a number of international treaties and other agreements dealing with migratory birds and protection of wetland habitat.
- Research -- The Service maintains a National Wetlands Research Center, and conducts wetlands-related research at a variety of other facilities.
- Coastal Barrier Resources System -- The Service has the primary responsibility for implementation of the Coastal Barrier Resource Act.

I will discuss these at greater length later in my statement.

PROVISIONS OF S. 804

S. 804 would establish a North American Wetlands Conservation Commission, consisting of the Director of the Fish and Wildlife Service, the Secretary of the Board of the National Fish and Wildlife Foundation, and seven Secretarial appointees, four of whom would be State fish and wildlife agency heads representing the flyways, and three of whom would represent non-profit groups involved in implementing the North American Waterfowl Management Plan. In addition, the Secretary would appoint an alternative Commissioner who is knowledgeable in fish, wildlife and wetlands conservation, who would perform the duties of any other Commissioner who was absent from a meeting or whose seat was vacant. Commissioners would serve six-year terms.

The Secretary is also encouraged to include, as ex officio, non-voting members, representatives of the Federal, provincial, State or territorial governments of Canada and Mexico, of other Federal agencies, and of Native American interests who are involved in wetlands conservation projects under the Act or the Plan.

The Commission is charged with recommending wetlands conservation projects to the Secretary based on consideration of availability of funds under the Act, extent of joint public-private sector participation in the project, consistency with the National Wetlands Priority Conservation Plan provided in section 302 of the Emergency Wetlands Resources Act and the purposes of this Act and the Plan, the extent to which it would aid in conservation of migratory non-game birds and species which are listed or candidates for listing under the Endangered Species Act, the substantiality of the project, and the recommendations from existing partnerships between public and private agencies carrying out wetlands conservation projects under the Act or the Plan.

The Commission is to make recommendations to the Secretary by March 30 of each year for projects to be funded under the Act, in priority order. The Secretary shall approve funding for the projects so recommended unless he determines that a recommended project does not meet the requirements for consideration. In that case he is required to notify the Commission and Congress in writing of his reasons.

All lands in the United States acquired in whole or part by the Secretary with the funds made available by this Act must be included in the National Wildlife Refuge System, except that the Secretary may convey without cost any lands so acquired to a State, or any private entity approved by the State. Restrictions are provided regarding the conversion of such transferred lands to other uses, and the Secretary is prohibited from utilizing any funds provided by the Act for acquisition of lands for the Refuge System in any year in which there is not full funding for the Refuge Revenue Sharing Fund.

The Secretary is explicitly authorized to grant or otherwise make available to public and private entities in Canada and Mexico the Federal funds made available by the bill, for the purpose of carrying out wetlands conservation projects recommended by the Commission and approved by the Secretary. The bill requires that any provision of funds for such foreign projects is subject to a requirement that any real property interests acquired in whole or part by the Federal funds will be administered for long-term conservation and management of fish and wildlife and provide for appropriate public access and use.

Funding is provided by requiring the Secretary to invest the portion of the Pittman-Robertson Fund not required for current withdrawals in interest-bearing obligations of the United States. This interest would become available for funding projects approved under the Act, without appropriation, until the year 2001, at which time it would be added to the amounts available for allocation to the States under the Pittman-Robertson Act. In addition, the Act authorizes the appropriation of the sums received as penalties, fines and forfeitures of property under the Migratory Bird Treaty Act and, through fiscal year 1993, an additional amount not to exceed $15,000,000.

The Secretary is required to expend at least 50 percent, and not more than 70 percent (less not more than 4 percent for administrative costs) of the available funds for projects in Canada and Mexico, and the remainder in the United States. Such funds may pay not to exceed 75 percent of the project costs in Canada and Mexico, and 50 percent of the costs in the United States, except that projects on Federal land may be fully funded. The Secretary is authorized to make partial payments, and to make agreements for future payments, subject to funding availability.

The head of each Federal agency responsible for acquiring, managing, or disposing of Federal lands is required, subject to the mission of the agency and existing statutory authorities, to cooperate with the Director in restoring, protecting and enhancing wetland ecosystems and other wildlife habitat within their jurisdiction. Agency heads are required to give priority in any land disposal to the transfer of real property interests for conservation purposes if that would contribute to the purposes of the Act and goals of the Plan. The Secretary is required to report project status and costs to Congress annually; to report on overall wetlands protection and restoration activities, and migratory bird population trends, every two years; and to undertake revision of the Plan in cooperation with Canada and Mexico in 1991 and every five years thereafter.

The bill makes standard provisions for administrative services for the Commission, provides that it does not alter the Secretary's authority to acquire lands under any other statute, prohibits any use of funds it makes available for mitigation purposes under the Fish and Wildlife Coordination Act or the Water Resources Development Act of 1986, and prohibits the use of any Federal funds in the non-Federal share of projects funded under the Act.

WETLAND LOSS

Wetlands are among the most biologically diverse and productive ecosystems. The effects of wetland losses in the United States that have concerned natural resource professionals for several decades have now generated general public concern. You are certainly aware of the statistics on wetland losses: over 54 percent of the 215 million acres of wetlands we believe existed in the contiguous U.S. at the time of European settlement have been lost.

Abstract statistics on losing over 116 million acres of our original wetland acreage are now evident in terms of reduced wildlife populations, poor water quality, reduced natural flood water storage capacity, increased flooding, decreased soil moisture, lower ground water tables, and more frequent and severe drought conditions. To be sure, these problems are caused by a variety of factors in addition to wetland loss. However, wetland losses have had a direct effect on each of these problems. We are now beginning to understand that replacing many of the functions formerly provided gratis by nature may be an expensive proposition.

Based on wetland status and trends data produced through the Service's National Wetlands Inventory, the Nation experienced a net loss of nine million acres of wetlands between the mid-1950's and mid-1970's. Wetland losses continue at a level as high as 450,000 acres annually. By far the most important economic sector absorbing wetlands is the agriculture sector. Agricultural development accounted for 87 percent of wetland conversions, urban development for eight percent, and other development for only five percent of the losses. Today, only about five percent of the land surface of the lower 48 states is wetlands. Information on the current status and trends of wetlands will be available in 1990.

Central to the discussion of the future of wetland conservation is the fact that an estimated 74 percent of the remaining wetlands in the continental United States are privately owned. Public ownership of all wetlands is neither feasible nor desirable. Thus, solutions to wetland conservation issues depend to a great extent on private stewardship.

As highlighted in the Secretary of the Interior's December 1988 report to Congress on "The Impact of Federal Programs on Wetlands," the Federal Government needs to accept its share of the responsibility for many of these losses up to this point in time. There has been no national policy to ensure consistency among all Federal programs with regard to wetland conservation. As a result, many of these programs have not fully considered the functions and values of wetlands. Other programs still encourage wetland drainage and conversion.

The Secretary enthusiastically supports and is committed to the national goal of "no net loss" of wetlands as enunciated by President Bush. As a Nation and as a government, we can achieve the balance that would be required by this policy. If you consider wetland conservation in terms of a ledger-sheet account, our annual losses, or outlays, are running at 300,000-450,000 acres while our gains, or income, range from 20-25,000 acres. This means that we have a deficit of as much as 425,000 acres annually. Each year, almost twenty times more wetlands are destroyed than are restored or created. To achieve the goal of no net loss, therefore, we must cut our losses and increase our gains.

NORTH AMERICAN WATERFOWL MANAGEMENT PLAN

The Service is implementing the North American Waterfowl Management Plan, an agreement signed by Canada and the United States that relies on wetland habitat protection, restoration, and enhancement to restore the continent's waterfowl populations to the numbers that had occurred in the early 1970's. Drought and the draining of low-lying land for agriculture and other development contributed to a drop in the continent's fall flight of waterfowl from 80 to 100 million ducks during 1970-79 to a record low of 62 million in 1985. The 1988 fall flight was only 66 million.

Major components of the Plan include: (1) establishment of population goals for ducks, geese and swans to be met by the year 2000 and of habitat protection goals for the U.S. and Canada, (2) recommended joint ventures between private and public entities to attain these goals, (3) research and development of surveys and data bases, and (4) listing of approaches to protect and manage wetlands. This Plan has targeted more than five million acres of key waterfowl habitat for protection in the U.S. and Canada through critical areas, providing incentives to private owners for restoration of wetlands, and improving habitat on existing wildlife refuges, military bases, and other public lands.

An important aspect of the Plan is the development of joint ventures. Nine joint ventures are underway, six of which are U.S. habitat ventures. One large Canadian joint venture, the Canadian Prairie Habitat Joint Venture, has also been undertaken. In addition, two species-specific ventures involving the black duck and Arctic nesting geese are also being pursued.

These joint ventures are:

- the Central Valley of California;
- "Prairie Pothole" area, including portions of Montana, North and South Dakota, Minnesota and Iowa;
- the Lower Mississippi River Valley region;
- the Gulf Coast;
- the Atlantic Coast, from MAine to South Carolina;
- the Lower Great Lakes/St. Lawrence River Basin (U.S. side only);
- Prairie-Parkland Provinces in Canada;
- portions of five eastern Canadian Provinces; and
- two species-management projects, for Black Ducks and Arctic Canada Geese.

In each of area joint ventures, "flagship" projects have been identified, and conservation measures are underway. These include cooperative management actions, acquisition of land and conservation easements, utilization of Conservation Reserve Program and other measures.

Cooperative management actions include annual rental payments to landowners who follow certain land management guidelines, such as fencing to keep predators away from duck nesting habitat, wetlands restoration work on private lands using Service equipment and personnel, delaying of hay harvest on nesting cover area until after the nesting season, and switching to fall-seeded crops to avoid spring tillage of nesting areas. In many cases these actions taken in conjunction with the Conservation Reserve Program of the farm bill.

The Service also provides extension services to landowners to assist them in making environmentally sound use of their land, and provides assistance to Department of Agriculture agencies in Farm Bill implementation.

Over $48 million was contributed from State and private sources toward the joint ventures in fiscal year 1988, including $6 million (to be matched by Canadian funds) for use in the Canadian prairie provinces. Over $53 million is expected to be available this year.

The Service's budget request includes a $6.8 million initiative for Plan implementation. Of that amount, $3.7 million would go for habitat restoration projects and $3.1 million for conservation easements and restoration projects under the Farm Bill.

During January of this year, an agreement was signed between the Service and the Department of the Army to conserve and improve wetlands on more than 7 million acres managed by the Army Corps of Engineers. The properties include wetlands in navigation and flood control projects, many of which are important waterfowl habitat.

We also initiated discussions with the Bureau of Reclamation in which the Bureau would serve as the Plan's engineering and construction management agency. This would support Reclamation's new resource management mission and their efforts to conernve and enhance wetlands on the more than 8 million acres they manage.

Land Acquisition/National Wetlands Priority Conservation Plan -- The Service has a continuing land acquisition program that is authorized by the Migratory Bird Conservation Act, Endangered Species Act, Fish and Wildlife Act of 1956, Recreation Use Act of 1962, Emergency Wetlands Resources Act and Fish and Wildlife Coordination Act. Funding for land acquisition is authorized by the Migratory Bird Hunting and Conservation Stamp Act (also known as the Duck Stamp Act), Wetlands Loan Act, and Land and Water Conservation Fund Act (LWCF).

Acquisition of wetlands in support of the Plan will continue. During FY 1988, the Service acquired 65,846 acres by obligating $31.7 million from the Migratory Bird Conservation Fund and, as of March 31, had obligated $14.8 million to acquire 32,831 acres of wetlands during FY 1989. However, the Service fully recognizes that it will never be feasible or desirable for the Federal government to acquire anything other than a modest percentage of our nation's most important wetlands. The implementation of the North American Waterfowl Management Plan is the primary example of this strategy.

This year, as directed by the 1986 Emergency Wetlands Resources Act, we completed the National Wetlands Priority Conservation Plan, which provides general direction and guidance from the national level that can be used to identify wetlands that should have priority for acquisition.

OTHER SERVICE WETLAND ACTIVITIES

In addition to land acquisition, the Service is the primary agency in the Department for wetland initiatives and has had a broad and longstanding commitment to wetlands protection, management, restoration and enhancement. As evidence of this commitment, I offer the following examples of current activities, nearly all of which fall into three general areas that support the goal of "no net loss": (1) wetland mapping, status, and trends reports; (2) activities to reduce wetland losses; and (3) wetland restoration, enhancement and management activities.

Mapping, Status and Trends Reports

National Wetlands Inventory -- The Service, in cooperation with State and Federal agencies, is mapping our wetland resources nationally. Approximately 60 percent of the lower 48 states, 16 percent of Alaska, and all of Hawaii have been mapped since 1979. The lower 48 states will be completely mapped by 1998 and Alaska will be completed as soon as practicable thereafter.

In 1983, the Service completed the first comprehensive and statistically valid estimate of the current national wetland acreage and the rate of wetland loss from the 1950's to the 1970's. Information from this status and trends report has been widely used in a number of major wetland reports, including the Conservation Foundation's National Wetlands Policy Forum Report. The Service will update the status and trends report in 1990 and every 10 years thereafter. The status and trends reports, when combined with the national wetland maps, could form the basis for assessing the effectiveness of a policy goal of no net losses of wetlands.

Reducing Wetlands Losses

Impact of Federal Programs on Wetlands -- The Service has been involved in assessing the issue of wetland losses resulting from government programs. The Service has been working with the Department's Office of Program Analysis to prepare reports to Congress, as required by the 1986 Emergency Wetlands Resources Act, that address this issue and include recommendations for making these programs more compatible with wetlands protection. The Secretary of the Interior submitted volume I to Congress on December 13, 1988. This report addressed wetlands losses due to Federal programs in the Lower Mississippi Alluvial Plain and Prairie Pothole Region. A summary of the recommendations contained in this report is appended to my statement. Volume II, which addresses other problem areas throughout the United States, is being revised for upcoming agency review.

Permit Review -- The Service is one of the primary advisors to the U. S. Army Corps of Engineers (Corps) and the Environmental Protection Agency on matters relating to the Clean Water Act's Section 404 permit program. That activity regulates the discharge of fill material into waters of the U.S. The Service reviews approximately 10,000 individual public notices each year. Most of our recommendations on these public notices are intended to protect wetland resources. As part of the consultation process, the Service provides recommendations to the Corps to mitigate wetlands-related impacts.

Water Projects -- The Service also provides technical assistance to the Corps and Bureau of Reclamation on Federal water projects. In this role, the Service assesses the effects of various development projects on fish and wildlife resources and recommends measures to protect those resources. Wetlands have been a central focus of this effort.

Provisions of the 1986 Water Resources Development Act regarding protection, mitigation, and enhancement of wetlands associated with civil works projects increase our role as technical advisors to the Corps. These provisions were some of the most progressive legislative steps ever taken for wetland conservation and were highlighted by President Bush in his February 9 budget plan. The Service will work with the Corps to implement these conservation measures to achieve wetland creation and restoration throughout the United States.

Farm Bill -- The Service is actively working with the Department of Agriculture and American farmers through our Farm Bill program. We provide technical assistance to state agencies, the Soil Conservation Service and the Agricultural Stabilization and Conservation Service on matters relating to wetland identification and on exemptions to the wetland conservation provision (Swampbuster) of the 1985 Food Security Act.

Contaminant Analysis -- Over 90 percent of the Service's environmental contaminant work deals with wetlands. Our work centers on determining the potential for harm to fish and wildlife species from contaminants that have assimilated into wetlands. Non-point sources such as agricultural and urban runoff, mine waste leaching, and pesticide use, as well as irrigation drainage are major concerns. The major contaminants that appear to be problems are heavy metals, industrial pollutants, and agricultural chemicals. An Environmental Protection Agency study estimates that over 90 percent of superfund sites are contained in, adjacent to, drain into, or slope toward wetlands.

Endangered Species -- More than one-third of the nation's threatened and endangered plant species and one-half of the animal species are wetland- dependent. Protection of wetlands habitat will help to preserve listed and unlisted wetland-dependent species. In our efforts to protect and recover various of these species, the Service has acquired wetland habitats critical to their survival.

Restoring Wetlands

Farm Bill -- Through a Memorandum of Understanding, the Service provides technical assistance to the Farmers Home Administration by identifying environmental resources such as wetlands on inventory land, by serving as wetland easement managers, by participating on review teams for conservation easements in exchange for debt forgiveness, by reviewing loan applications, and by recommending protective measures for inventory properties.

Through our Farm Bill program, the Service has initiated a wetland restoration program. Nearly 16,000 acres of wetlands were restored in 1988 and a restoration goal of 20,000 acres has been set for 1989. Restoring wetlands that have been converted to agricultural use is often cost-effective and highly successful compared to other types of wetland restoration. It also addresses many contemporary conservation issues, including soil erosion, ground water recharge, surface and ground water quality, safe and adequate water supply, stabilization of both flood and drought cycles, and enhancement of fish and wildlife habitat, as well as recreation. For these reasons, the Service views the restoration of wetlands converted to agriculture use as an important priority.

National Wildlife Refuge System -- The Service manages over 34 million acres of wetlands in our refuge system, of which 5 million acres is in the coterminous U.S. These areas were established principally for the protection of migratory birds and endangered and threatened species. The Service has been in the wetland restoration and management business for many years on our refuges. The efforts which we have undertaken would be applicable on a broader scale to development of a national wetlands restoration program.

We are proud of our record of wetland restoration through farm bill programs and on national wildlife refuges and we believe this to be the most significant wetland restoration program in the Nation. We expect to do more.

Federal Grants -- The Service administers Federal Aid funding to the States and territories for sport fish and wildlife restoration activities that include many wetland conservation elements. Between 1985-1987, this assistance added over 15,050 acres of priority wetlands to the 12 million acres currently in State ownership throughout the Country.

Other Activities

Wetland Delineation -- The Service, Corps of Engineers (Corps), Environmental Protection Agency (EPA), and the Soil Conservation Service (SCS) all define wetlands based on the same three basic elements: hydrology, vegetation, and soils. Under normal circumstances, the Corps, EPA, and SCS wetlands definitions include only areas that are vegetated, while the Service's definition encompasses both vegetated and nonvegetated areas.

Last year, we began working with the Corps, EPA, and SCS to develop a way to consistently identify vegetated wetlands for jurisdictional determinations. On January 10, 1989, the Service, EPA, Corps, and SCS signed a joint "Federal Manual for Identifying and Delineating Jurisdictional Wetlands." This manual reconciles interagency differences regarding vegetated wetlands and will lead to more uniform, consistent and rapid wetland delineation determinations.

Educational Programs -- The Service believes that educational programs will be essential if our goal is to eliminate net losses of wetlands resources. We already have several programs that emphasize public education about wetland values. For example: twenty-three state-run locations across the country distribute maps developed by the National Wetlands Inventory; the Service has cooperated with the Environmental Protection Agency to develop brochures and pamphlets that inform the public about wetland values; wetland slides are shown at the visitor centers of our refuges; and a video developed through the Service's Farm Bill program, which informs farmers about wetland values, has been adapted for media use. The Service plans to continue its efforts to educate the public about the values of our Nation's wetlands resources.

International Treaties -- The Service has primary responsibility for implementing a number of international treaties and conventions dealing with conservation of migratory birds. The Service is the lead agency representing the U.S. under the Convention on Wetlands of International Importance (RAMSAR) and has nominated seven sites for designation as wetlands of international importance.

Research Activities -- The Service maintains a National Wetlands Research Center in Slidell, Louisiana, to study and report on wetlands. Wetlands or wetland-related research also occurs at the Service's research facilities located in Northern Prairie, North Dakota; Fort Collins, Colorado; and Patuxent, Maryland. Research covers a broad range of wetland issues, including Louisiana coastal wetland loss studies, development of restoration methods, geographic information system development, waterfowl research, and coastal barrier island assessment.

Coastal Barrier Resources System -- The Department of the Interior transmitted its Report to Congress on the Coastal Barrier Resources System (System) during January 1989. This report is based on a statutory requirement contained in section 10 of the Coastal Barrier Resources Act (CBRA). In addition, the Department is finalizing maps which identify undeveloped coastal barrier areas along the shoreline of the Great Lakes states which would qualify for inclusion in the System. In adopting CBRA, Congress defined three major objectives, including the goal of minimizing the damage to fish, wildlife, and other natural resource along the Atlantic and Gulf coastlines.

As my testimony indicates, virtually every aspect of the Service's work touches upon wetlands. Within our agency, a broad array of programs carries out wetland protection, management, restoration, and enhancement.

Mr. Chairman, this concludes my prepared statement. I will be pleased to answer any questions you may have.

International Association of Fish and Wildlife Agencies
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STATEMENT OF THE
INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES
ON S.804, THE NORTH AMERICAN WETLAND CONSERVATION ACT
before the
SENATE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION
1 June 1989

The International Association of Fish and Wildlife Agencies, founded in 1902, is a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and federal governments of the U.S., Canada, and Mexico. All 50 states are members. The Association has been a key organization in promoting sound resource management and strengthening federal, state, and private cooperation in protecting and managing fish and wildlife, and their habitats, in the public interest.

The Association appreciates the opportunity to appear before the Subcommittee on Environmental Protection to provide our strong endorsement and support of S.804, the North American Wetlands Conservation Act. We will also discuss implementation of the North American Waterfowl Management Plan and Department of Interior wetland conservation efforts.

North American Wetlands Conservation Act

The Association applauds and strongly supports Senator Mitchell and other cosponsors for introducing the North American Wetlands Conservation Act. We appreciate being consulted by Subcommittee staff as S.804 was being drafted. One of the major benefits of S.804 would be to enhance implementation of the North American Waterfowl Management Plan (Plan). The Plan is the culmination of ten years of effort by the most experienced waterfowl specialists in North America. The Plan outlines the steps needed to protect habitat vital to continental waterfowl populations. This habitat protection is of great importance to other migratory birds, such as shorebirds. For example, the flagship project of the Plan's Atlantic Coast Joint Venture is the Cape May National Wildlife Refuge. This new refuge is part of a coordinated federal, state, and private effort to protect lower Delaware Bay, an area vital to over one million migrating shorebirds. The Plan is a bold, ambitious effort by the United States, Canada, and Mexico, which requires major financial commitments by federal, state and provincial, and private interests. S.804 would provide the integral U.S. federal component of funding the Plan.

Protecting wetlands is imperative for the many species of fish and wildlife that are dependent on wetlands. In addition, wetlands have many other values important to man, including flood control, groundwater recharge, and nutrient filtering. The United States has lost over one-half of the wetlands (110 million acres) present at the time of European settlement. Unfortunately, our Nation continues to lose approximately 300,000 acres of wetlands annually. Major efforts are needed to protect our remaining wetlands. These efforts will take the combined efforts of the Federal and State governments and private organizations. Discussing wetland protection requires discussing private land management and agricultural practices, as 74% of wetlands are privately owned and agriculture currently accounts for about 85% of wetland losses.

There are many laws to protect wetlands, including the Food Security Act (Farm Bill), Water Resources Development Act, Clean Water Act, and Emergency Wetland Resources Act. However, these laws have not been sufficient to protect our remaining wetlands. There is a consensus that we need to do much more to protect wetlands, but there is not agreement on how this should be carried out. The North American Wetlands Conservation Act would promote public/private efforts to protect priority wetlands for wildlife while this policy discussion continues. The Act would provide a major tool in efforts to maintain and restore migratory bird populations, as well as other wetland dependent fish and wildlife species. As mentioned earlier, the Act would be a key component in implementing the North American Waterfowl Management Plan, which has been a major policy initiative of the States, Provinces, United States, Canada, and many private wildlife conservation groups.

The States, through the Association, have discussed obtaining the interest earned from unobligated Federal Aid in Wildlife Restoration (Pittman-Robertson) Funds, a practice currently used with the Aquatic Resources Trust Fund (Wallop-Breaux). To date, it has not been feasible to make this desired change in the Pittman-Robertson Fund. S.804 provides a mechanism to use interest earned on unobligated Pittman-Robertson to fund wetland acquisition under the Act. This would be done without reducing the basic Pittman-Robertson funds to the States, and without any changes in the States' current procedures or authority for using Pittman-Robertson funds. After the year 2000 and full Plan implementation, these funds would be added to and become part of the regular annual apportionments to the states under the Pittman-Robertson Act, which is a goal of the Association. The Association recommends that Section 7(b) be amended to provide a date certain by which this interest money will be available as a regular part of the Pittman-Robertson program. Please see the attached sheet for suggested language on Section 7(b). In addition, the Association affirms its long-standing opposition to any changes that affect the basic funding mechanism to the States, or eligibility for use, of the Pittman-Robertson fund.

The Association strongly supports full funding of the Refuge Revenue Sharing Act, as required by Section 9 of S.804, but is concerned about how to best accomplish this objective. The Refuge Revenue Sharing Act

(RRSA) is an important mechanism to provide payment to counties which contain refuges to compensate the counties for tax revenues that would have been paid on refuge lands if the land were privately owned. Unfortunately, full RRSA payments were last made in 1979, and payment deficiencies occurred in all 50 states in 1987. Lack of full RRSA payments has turned many states against federal acquisition of important wetlands. A very real problem exists with RRSA. The Association, with other conservation groups, has been striving for full funding (an additional $6.5 million is needed annually) of RRSA. However, to hold National Wildlife Refuge System acquisition hostage to full RRSA payments could seriously diminish the effectiveness of S.804. The Association would be happy to work with Subcommittee staff in resolving this issue.

Finally, the Association has a few suggested technical amendments to S.804 that we will provide to Subcommittee staff for your consideration.

Implementation of the North American Waterfowl Management Plan

The North American Waterfowl Management Plan (Plan) provides a broad framework for waterfowl and wetland conservation efforts in the United States and Canada through the year 2000. The Plan sets goals for waterfowl populations, identifies habitat conservation needs in specific regions of the North American continent to maintain the target populations, and recommends measures for resolving problems of international concern. The Plan outlines the scope of work to be done in North America, and provides broad guidelines for habitat protection and management actions. Each country, State, Province, Territory, and waterfowl flyway will need to establish specific plans, within the overall Plan, for habitat protection and management, in their respective jurisdictions. The Plan focuses on the value of maintaining enough high quality habitat to ensure the abundance of North American waterfowl.

The Association is a member of the U.S. Implementation Board, a coalition of non-governmental organizations interested in waterfowl and wetlands, which advises the Director of the U.S. Fish and Wildlife Service on Plan issues, and the State Fish and Wildlife Agencies are participating in each project associated with the Plan. Currently, most local project plans are complete and we are pleased to report that many wetlands are being protected and managed in conjunction with the Plan. Projects are underway in California, North Dakota, South Dakota, Louisiana, South Carolina, Alabama, New Jersey, and Arkansas, as well at other locations. In addition, waterfowl production areas in Canada are receiving a great deal of attention as part of the Plan.

These accomplishments are significant, but the Federal, state, provincial, and private partnership that is essential to long-term success requires a reliable funding source from the U.S. government. The overall cost of the Plan is estimated to be $1.5 billion, or $100 million annually. The States and private organizations have annually contributed approximately $38 million and $20 million, respectively. Canadian federal, provincial, and private contributions to the Plan are $18 million annually. What is absent from these commitments is assurance of a sustained U.S. federal contribution. S.804, as mentioned earlier, would establish this federal commitment and greatly enhance implementation of the Plan and spur the partnership efforts of State and private cooperators.

Department of Interior Efforts to Conserve Wetlands

The Department of Interior, through the U.S. Fish and Wildlife Service (USFWS), has the authority and personnel to protect many wetlands in the United States. The full participation of the U.S. Fish and Wildlife Service in the North American Waterfowl Management Plan effort to date is a good example of Department of Interior wetland conservation efforts. In addition, the Ecological Services Branch of USFWS works with other agencies, such as the Corps of Engineers, Soil Conservation Service (SCS), Agricultural Stabilization and Conservation Service (ASCS), to assure compliance of their activities with the Fish and Wildlife Coordination Act. However, the efforts of the Department of Interior are hindered by unrealistic budgets that do not accurately reflect the needs of protecting wetlands. Refuge Revenue Sharing Payments are a good example of this. A budget request that included full RRSA payments would reflect a commitment to the USFWS being a "good neighbor" in wetland acquisitions. Full funding of RRSA has not been included in the USFWS budget request since 1979. In addition, important wetland delineation work under the Emergency Wetlands Conservation Act is hampered by insufficient funds.

The Private Lands Initiative Program of the USFWS is an example of the Service using innovative methods to protect wetlands. Through this program, the Service piggybacks on other programs to provide additional incentives to protect wetlands. The opportunity to protect wetlands on private lands is greatly enhanced through this type of program by complementary efforts with the Conservation Reserve Program (CRP).

The wetlands acquisition programs of the USFWS are also examples of Department of Interior efforts at protecting wetlands. The Migratory Bird Conservation Fund has a long history of protecting wetlands important to waterfowl. The Land and Water Conservation Fund (LWCF) is a valuable tool for wetland acquisition, if properly funded, and if a significant portion of the funds are used to acquire wetlands. We are pleased with President Bush's commitment of funding LWCF at $206 million, including substantial wetland projects that are a part of the North American Waterfowl Management Plan.

The USFWS has a Land Acquisition Priority System (LAPS) to prioritize land acquisition. The program has four target categories: endangered species, migratory birds, nationally significant wildlife habitat, and nationally significant wetlands. The LAPS program, in conjunction with land availability information, can be used to protect priority wetlands.

Suggested language for Section 7(b)1(D) to provide a date certain by which interest earned on unobligated P-R funds will be available for apportionment.

7(b)1(D) is amended as follows (changes underlined)

(D) shall become available for apportionment upon satisfying the goals and objectives of the Plan or by January 1, 2001, whichever is earlier."

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Testimony of
Charles H. Collins
Executive Director
National Fish and Wildlife Foundation
Regarding Senate Bill 804
(North American Wetlands Conservation Act)
Before the Subcommittee on
Environmental Pollution of the
Committee on Environment and Public Works
U.S. Senate
Washington, D.C.
June 1, 1989

Summary

My name is Charles Collins, and I am the Executive Director of the National Fish and Wildlife Foundation. I am pleased to testify today in strong support of S. 804, the North American Wetlands Conservation Act.

The National Fish and Wildlife Foundation is convinced that S. 804 will measurably aid the international, national, and regional efforts to conserve, restore, and protect critical wetlands. Many species of wildlife, fish and plants including non-game and endangered species in addition to waterfowl, will benefit by having a stabilized habitat base in which to flourish. People will likewise benefit by being the ultimate recipients of the many values found to be provided by healthy wetlands.

The Act would instill a national vision for wetlands conservation, and back it up with enabling provisions for the North American Waterfowl Management Plan. The sustained federal funding provided in the Act would make the federal government a full partner with the states, private organizations, and individuals in the implementation of the Plan.

The Act would institutionalize the philosophy of wetland conservation, and would provide a select commission of state, private, and federal experts to prioritize and recommend wetland acquisition and restoration projects both in the U.S. and Canada. Providing private organizations and state agencies with a formal role is both appropriate and essential as they have already become full financial partners in the wetlands conservation efforts supported under the Act. In addition, the formal organization should bring more continuity to the wetland decisionmaking process, and add rationality to the funding commitments. The provision of a Wetlands Conservation Commission or a similar formally-constituted structure, would remove ambiguity from the current "ad-hoc" organizational structure of the NAWMP, and focus efforts on getting the job done rather than worrying over bureaucratic procedures.

The criteria proposed under the Act for selecting eligible wetland sites for federal matching funds are reasonable and biologically defensible. They should lead to better project implementation and to more projects undertaken as partnerships are implemented across the full geographic spectrum identified in the Plan.

The funding allocation formulas for the U.S. and Canada projects are sensible and acceptable to the Foundation, and, we believe, to the 17 other private organizations on the NAWMP National Implementation Board. The provision to send a percentage of funds to Canada addresses a long-term oversight in North American wetlands conservation efforts. It is critical to the successful implementation of the Plan's goals. The total amount of funding proposed will make a significant contribution to meeting the goals of the Plan and will spur continued financial support from the states and the private sector.

The sources of federal funding, particularly the use of interest from the Pittman-Robertson Fund, are likewise appropriate. The authority to receive up to $15 million per year in General Revenue, beyond the Pittman-Robertson and fine-forfeiture monies, offers important and necessary flexibility for meeting additional funding needs. These funds would provide the leverage required to attract private and state financing several times over the federal investment.

The provision that ties land acquisition to full funding of Refuge Revenue Sharing is desirable to achieve success in acquiring and protecting critical wetland areas in the U.S. A growing number of counties in the western and mid-western states are embargoing wetland acquisition because the federal government is not paying its bill to their counties. The state governments have made good on their legal commitments to make payments in lieu of taxes, and the counties expect the same performance from the federal government.

The reports to Congress make good sense for tracking progress in wetlands conservation and keeping the ultimate decisionmakers--Congress--appraised of what is happening.

The 5-year revision requirements would ensure the necessary updating of the Plan to keep pace with current conditions and trends.

Overall, the National Fish and Wildlife Foundation is strongly supportive of S. 804, and we commend Senator Mitchell for his leadership on this issue. The Foundation is aware that a companion bill has been introduced in the House by Representative Davis and another bill will be introduced by Representatives Conte and Dingell. We likewise applaud these efforts. We recognize that these bills amend some of the provisions of S. 804 addressing, among other things, the relationship of the Migratory Bird Conservation Commission with the new wetlands commission. On that issue, we want to emphasize that the crux of the matter is to develop a structure that provides for meaningful and substantive participation by the private organizations and states in the decision-making process. Whether this results in the establishment of a new commission or a modification of the authorities of the Migratory Bird Conservation Commission is of lesser import than the decision to formalize state and private participation in the NAWMP. Additionally, we strongly support the need for greater accountability to Congress on wetlands conservation projects as provided by the Mitchell bill. We want to underscore our general support for all of the Bills and express our willingness to work with the parties involved to develop final language that is acceptable to both houses of Congress.

Background

"Wetlands" is the collective term for marshes, swamps, bogs, and similar areas that often develop between open water and dry land. The federal regulations implementing Section 404 of the Clean Water Act define wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Wetlands represent the most biologically productive and genetically rich habitat in nature.

In the past, wetlands were often regarded as wastelands, and more than half of our original U.S. wetlands have subsequently been destroyed. Canada has likewise seen a loss of about 40% of her historical wetlands. The major causes of wetland loss and degradation have been drainage, dredging, excavation, filling, toxic dumping, tilling for crop production, channelization, mining, diking, damming, and overgrazing by livestock.

In the 1600s, over 200 million acres of wetlands reportedly existed in the lower 48 states, but by the 1970s, only 99 million acres remained, a 54% loss. Between the mid-1950s and mid-1970s, about 11 million acres of marshes and swamps were destroyed, for an alarming annual loss averaging 458,000 acres. Agricultural drainage accounted for 87% of the loss, whereas urban encroachment and other development led to the remaining 13% loss. The most extensive and recent wetland losses have occurred in Louisiana, Mississippi, Arkansas, North Dakota, South Dakota, Nebraska, Florida, Texas, Iowa and California.

More recently, we have discovered that wetlands are not the wastelands of historical, pioneer association but are valuable natural resources providing wide benefits to man. Our attitudes changed from negative to positive when we found that wetlands help restore water quality, control shoreline erosion, safely capture and absorb flood waters, provide fish and wildlife habitat and other natural products, support hunting, fishing, and trapping activities, and provide opportunities for other types of recreation and aesthetic appreciation.

Wildlife:

Wetland habitat is critical to many species of wildlife, including even large carnivores such as the Florida panther, and big game like deer and moose in addition to the numerous species of smaller animals, birds, and fish. About a third of the continent's endangered wildlife species require wetland habitat to survive. Of the 30 species of migratory nongame birds currently of national management concern, nearly one-half depend on coastal and freshwater wetlands. Thirteen of the most abundant and widespread songbirds have declined at an average rate of 3% per year.

In the prairie pothole region of the U.S. and Canada, where wetlands support about 220 species of migratory birds, the U.S. Fish and Wildlife Service has calculated data trends for 28 species of nongame birds from the Breeding Bird Survey. These data show statistically significant declines in breeding populations over the 20-year period 1967-1987 in the following 14 species: American bittern, northern harrier, Sora rail, willet, black tern, horned lark, clay-colored sparrow, savannah sparrow, Baird's sparrow, grasshopper sparrow, LeConte's sparrow, bobolink, red-winged blackbird, and western meadowlark. Those habitat areas corelate directly with priority areas identified under the NAWMP.

Waterfowl and shorebirds are perhaps the most obvious examples of wetland dependents. Both species assemblages are the subject of serious international efforts of the North American Waterfowl Management Plan--the Western Hemisphere Shorebird Reserve Network and to restore their species and enhance production by protecting, restoring, and conserving wetland habitat.

Waterfowl:

Waterfowl are the most prominent and economically important group of migratory birds in North America, generating a direct expenditure of several billions of dollars annually.

The wetlands of North America provide habitat for 37 species of waterfowl, and the widespread losses of wetlands have been clearly reflected in the declining breeding populations and diminished annual migrations of several species of ducks, geese, and swans. The decline in duck populations across the continent is perhaps the most visible manifestation of our declining North American wetlands problem.

While wetland conservation should not be based solely on waterfowl needs or hunting interest, the recognition of waterfowl as a barometer of wetland health, as it were, is a sensible practice. Waterfowl managers currently have the most extensive data base for practical wetland management. This data advantage should be utilized in concert with information on other wildlife species to optimize wetlands conservation programs.

North American Waterfowl Management Plan:

Signed by the U.S. Secretary of the Interior and the Canada Minister of the Environment in May, 1986, the North American

Waterfowl Management Plan is a cooperative strategy that provides the framework for improving waterfowl populations through wetland habitat conservation. The Plan directly addresses the most obvious symptom--the decline of waterfowl populations--of the wetlands crisis, while encouraging the broad partnerships needed to address the other non-waterfowl values as well. Broadly stated, the goal of the Plan is to restore the North American breeding waterfowl populations to historic levels by protecting and restoring about 5.5 million acres of wetland and upland habitat in the U.S. and Canada. The plan outlines an ambitious program of habitat acquisition, restoration, and development to achieve the population goals. Because the Plan focuses on wetland habitat, it is functionally a continental wetland management plan as much as it is a waterfowl plan.

Building Partnerships:

The Plan recognizes that interest in waterfowl conservation is not limited to duck hunters; the wetlands crisis is everyone's problem. The attainment of waterfowl population and habitat goals will require financial resources far beyond the capabilities of federal and state fish and wildlife agencies. It is important to recognize that the waterfowl population collapse of the past decade has occurred despite the best efforts of the Service and state fish and game agencies. Missing from this equation is the private sector. The plan provides the logical forum to build the partnerships needed to integrate the private sector on a massive level with state and federal governments to accomplish meaningful wetland and wildlife conservation.

At the national level, a new partnership called the U.S. Implementation Board has been formed by 17 of the most substantial private conservation, agricultural, and timber organizations in the U.S.: American Farmland Trust; American Forest Foundation; The Audubon Society; Berry B. Brooks Foundation; Ducks Unlimited, Inc.; International Association of Fish and Wildlife Agencies; Izaak Walton League; Land Trust Exchange; National Association of Conservation Districts; National Fish and Wildlife Foundation; National Rifle Association; National Wildlife Federation; The Nature Conservancy; North American Wildlife Foundation; Wildlife Legislative Fund of America; Wildlife Management Institute; and The Wildlife Society.

The Implementation Board is committed to full implementation of the Plan to restore and conserve critical wetlands, and the member organizations have already involved their regional and state staff in the private-state-federal partnerships that designed the six U.S. joint ventures that put the Plan on the ground. Joint venture projects have also brought in local agricultural landowners, farm and ranch organizations, sportsman clubs, and individuals as enthusiastic partners.

The joint ventures consist of important projects that have attracted substantial financing from private and state sources by using federal dollars as initial leverage. In the Canada First Step Joint Venture Projects (FY1988), $6 million was donated by the states, Ducks Unlimited, and Canadian sources which accounted for 75% of the total dollars raised; only $2 million of U.S. federal funds were used. So far in the Canada Second Step Projects (FY1989), the non-federal funding amounts to $9 million, or 82% of the project costs; the U.S. federal contribution is again $2 million. The private, state, and Canadian partners are consistently matching every U.S. federal dollar four to five times over to get the Plan on the ground.

The estimated cost of full implementation of the Plan by the year 2000 is $1.5 billion, including the Canadian contributions. The calculated U.S. portion of the financing is about 75%, or $1.125 billion.

The most critical need over the next 15 years is the federal funding commitment needed to attract private and state contributions. If the federal funding is identified, the private and state funds will follow. The North American Wetlands Conservation Act would provide a sustained Federal investment through combining the interest earned on Pittman-Robertson deposits with waterfowl fines and forfeiture monies.

Role of National Fish and Wildlife Foundation:

In 1987, the National Fish and Wildlife Foundation established the North American Waterfowl Management Plan as one of three major initiatives on which it would focus its internal staff and resources. The Foundation viewed the Plan as one of the highest priority national conservation programs where needs were not being met by existing private or public conservation entities.

Responding to requests by the USFWS, state wildlife agencies, and private organizations, the Foundation has borne much of the initial legal and political responsibilities of getting the Plan started, and we have served as the primary "delivery vehicle" of the first U.S. funds for Canada. We are committed to doing everything within our power and resource capability to achieve the Plan's full implementation. The Foundation has brought in major private conservation groups as funding partners with state and federal wildlife and land management agencies. A full-time coordinator was hired in February, 1989, to continue to coordinate all of Foundation activities in the Plan. This year the Plan will occupy more than 80% of the Foundation's financial resources.

The Foundation and its NAWMP partners have achieved remarkable progress in the last two years, but we are still only addressing a small percentage of the total need. In addition, the Foundation has other major initiatives comprised of more than 100 projects that demand enormous time and attention, and staff and resources are already stretched to the maximum. There is a documentable need to institutionalize Plan implementation so that it no longer commands such a large percentage of the Foundation's time, resources, and efforts.

The Foundation's unique ability to foster cooperative efforts through its matching fund program enabled it to secure $2 million from Ducks Unlimited and 11 states (California, Oregon, Colorado, Texas, Oklahoma, Arkansas, Louisiana, Illinois, New Jersey, South Carolina, and New York) in 1988 as a challenge match to $2 million in federal investment.

These funds were subsequently used to fund the following First Step Joint Venture Projects in Canada:

o Quill Lakes, Saskatchewan	$2,200,000
o Buffalo Lakes Moraine, Alberta	$1,000,000
o Matchadash Bay, Ontario	$ 406,000
o Nicolett-Baie du Fevre, Quebec	$ 218,000
o Grand Lake Meadows, New Brunswick	$ 94,000
o Grove Pine-Big Pond Brook	$ 82,000

In 1989, the Foundation has secured commitments totaling $3 million from 20 states to the Second Step Joint Venture Projects in Canada which Ducks Unlimited will match with $4 million; states contributing include:

Arkansas	$100,000
California	$500,000
Illinois	$100,000
Kentucky	$ 60,000
Louisiana	$100,000
Minnesota	$150,000
Mississippi	$ 25,000
Missouri	$100,000
New Jersey	$ 50,000
New York	$100,000
North Carolina	$ 60,000
Oklahoma	$ 8,000
Oregon	$ 25,000
Pennsylvania	$100,000
Rhode Island	$ 25,000
South Carolina	$400,000
Tennessee	$847,000
Utah	$ 50,000
Washington	$100,000
Wisconsin	$100,000

The Foundation is in the process of allocating $2 million in unrestricted federal matching funds to acquire and protect priority sites in the U.S. regional joint venture to implement the Plan over the past 19 months.

Using $1,668,000 in federal dollars as leverage, the Foundation has attracted $4,856,000 private and state donations for the following U.S. wetland projects:

Project	Federal Grant	Match
Iowa Wetlands Program, Iowa	$ 80,000	$300,000 (2)
Bayou Bodcau, Louisiana	$100,000	200,000 (2)
Wetlands Enhancement Project, California	$200,000	193,000 (1)
Agricultural Outreach Project, California	$100,000	100,000 (1)
Sturgeon Lake Restoration, Oregon	$ 75,000	220,000 (2)
A.C.E. Basin Project, South Carolina	$150,000	950,000 (1)
Roanoke River Project, North Carolina	$100,000	100,000 (1)
Cobscook Bay Project, Maine	$125,000	125,000 (1)
Briggs Marsh Project, Rhode Island	$ 40,000	700,000 (2)
Comertown Prairie Preserve, Montana	$100,000	100,000 (1)
Cape May Refuge (Schmidt Tract), New Jersey	$100,000	400,000 (1)
Crystal Springs Preserve, South Dakota	$100,000	100,000 (1)
Lake Thompson Watershed, South Dakota	$ 25,000	100,000 (1)
White River-Cache River, Arkansas	$150,000	270,000 (2)
Cache River, Illinois	$100,000	100,000 (1)
Keystone WMA Moist Soil Unit, Oklahoma	$ 23,000	23,000 (2)
Behring Ranch Preserve, California	$100,000	1,000,000 (2)
Total $	1,668,000	4,981,000

(1) Direct to Foundation	$2,268,000
(2) Outside Match	$2,713,000

STATEMENT OF
DAVID J. NEAVE
EXECUTIVE DIRECTOR
WILDLIFE HABITAT CANADA
BEFORE THE
SENATE SUB COMMITTEE
ON ENVIRONMENTAL PROTECTION
JUNE 1, 1989

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear here today to give a Canadian Perspective on Bill S804, the North American Wetlands Conservation Act.

By way of introduction, Wildlife Habitat Canada (WHC) is a national, non profit foundation dedicated to the wise and sustained use of Canada's landscape resources. Since its creation in 1984, WHC has contributed in excess of $17 million to cooperative habitat protection and enhancement programs. Total funding of these cooperative ventures is in the order of $200 million. A primary focus of the WHC program is wetland conservation, accounting for 75% of our expenditures to date. Our habitat program emphasizes cooperative soil, water and wetland conservation through locally delivered private stewardship programs. Multi-party wetland agreements have been developed in all regions in Canada involving government agencies and non-government organizations. WHC has joined Ducks Unlimited Canada as a major private sector force in wetland conservation.

Wetlands . . . an unrecognized Canadian resource disappearing in various regions at a rate of 1 to 2% per year. What are we doing?

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Wildlife Habitat Canada is a national non-profit foundation dedicated to encouraging the retention and stewardship of wildlife habitat for the benefit of present and future generations.

Wildlife Habitat Canada's Board of Directors is composed of representatives of the Federal Minister of Environment, Provincial Governments, naturalist and sportsmen NGOs, and representatives of the agriculture, fisheries and forestry sectors. WHC serves as secretary for the National Habitat Coalition, a group of 38 NGOs representing a broad spectrum of conservation interests across Canada.

While I cannot speak for each wildlife conservation agency in Canada, I believe that my remarks fairly represent the thinking of the Canadian wildlife conservation community.

We commend Senator Mitchell and his colleagues for bringing forth the North American Wetlands Conservation Act. All aspects of the bill pertaining to Canada are consistent with the spirit and content of the United States' and Canada's longstanding cooperative conservation efforts for migratory birds as exemplified by the Migratory Birds Convention Act and the North American Waterfowl Management Plan.

We are pleased with the broad ecological approach to wetlands conservation called for in the Bill. As is the case in Canada, this effort is not confined to waterfowl, but provides for the conservation of wetlands for all wildlife species dependant on wetlands.

We view the Plan as an integral component of a broader soil, water and wetlands conservation initiative, in the context of sustainable environmental and economic development of our landscape resources.

Implementation of the Plan will further the already substantial leadership and commitment of the United States and Canada to international wetland conservation that we provide through the Ramsar Convention and the Western Hemisphere Shorebird Network. Our collective efforts are attracting considerable international attention as a model of cooperative wetland and wildlife conservation.

We believe that the North American Wetlands Conservation Act, together with the conservation provisions being contemplated for the 1990 Farm Bill, would put the United States in the global forefront of sustainable land use and wetland conservation. You would be providing leadership and setting an example for all countries, including Canada.

There has been frustration in some circles because the North American Waterfowl Management Plan did not constitute a financial commitment by the United States and Canada, and that three years have past since it was signed. We do not share this frustration. For three major reasons, we believe that the delay has been a necessary and beneficial part of the Plan's evolution. First, the gestation period has provided time to recognize that the Plan is a broad wetland conservation initiative and not restricted to waterfowl. Secondly, it has provided both the time and the impetus to generate a broad base of support from both the conservation and agriculture communities. Third, the implementation of First and Second Step projects under the NAWMP has allowed for a progressive commitment of funding by all partners, and a testing and development of administrative and implementation procedures.

Since 1986, considerable activity has taken place in both the United States and Canada through First and Second Step Projects. Major emphasis has been placed on establishing the required administrative structures, developing and implementing planning mechanisms and communications strategies, as well as learning how to deliver programs through the new United States - Canada partnerships that have been formed. Eight on-the-ground projects have been initiated through joint United States-Canada funding.

In Canada, we've developed the Prairie Habitat Joint Venture and the Eastern Habitat Joint Venture. Implementation plans for the ventures and the component programs in each province have been developed. Formal joint venture agreements are now in the process of being signed. These joint ventures are partnerships of Provincial and Federal Governments and private sector organizations.

A number of Provincial Governments have announced long term financial commitments to NAWMP. NGOs such as Ducks Unlimited Canada and Wildlife Habitat Canada are committed to the plan's implementation. The Canadian Federal Government is in parallel with the United States in seeking to secure its long term funding to the plan.

The majority of wetlands that must be protected and enhanced in both the United States and Canada are privately owned. Thus, any large scale wetland protection program must make economic as well as environmental sense to the landowner. We have been fortunate, in that federal and provincial agricultural agencies have been full partners in the development of the Prairie Habitat Joint Venture and the Provincial implementation plans.

It appears that there are common solutions to common problems with the sustainable use of agricultural landscapes and wetland protection. The linkage of soil, water and wetlands conservation initiatives in the agricultural landscape is now becoming a reality.

Pilot NAWMP prjects funded by Canadian partners were initiated in 1986 to test and evaluate the most effective means of implementing the Plan through private stewardship. Successful pilots in Alberta, Saskatchewan and Manitoba have contributed substantially to the PHJV implementation plans.

Canada's National Soil Conservation initiative will inject $150 million to soil conservation over the next three years. A component of this initiative, the Permanent Cover Program (conservation reserve equivalent) will provide financial incentives to farmers to convert marginal crop lands to more sustainable uses. Agriculture and wildlife agencies are developing plans to optimize the integration of the Permanent Cover Program with the Prairie Joint Venture Program. On behalf of the Prairie Habitat Joint Venture Second Step project, Ducks Unlimited and Agriculture Canada will launch a Prairie CARE program (Conservation, Agriculture, Resources, Environment), in conjunction with the Permanent Cover Program.

In conclusion, Mr. Chairman, we strongly support the North America Wetlands Conservation Act. We are prepared to do our part in fulfilling Canadian commitments under NAWMP. The planning and administrative structures are ready, as is the financial commitment, to begin program implementation.

At the time the North American Waterfowl Management Plan was signed in May 1986, both countries recognized the urgency in securing a funding commitment for its implementation. The continued loss and degradation of wetlands throughout North America, together with severe climatic conditions, now make the plan's implementation a compelling necessity. The North American Wetland Conservation Act can make it happen.

Thank you Mr. Chairman.

The Nature Conservancy

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STATEMENT OF THOMAS MASSENGALE
VICE PRESIDENT FOR MAJOR PROGRAM DEVELOPMENT
THE NATURE CONSERVANCY
BEFORE THE SENATE ENVIRONMENT AND PUBLIC WORKS SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

June 1, 1989

Mr. Chairman, members of the Committee, my name is Thomas Massengale, and I am Vice President for Major Program Development of The Nature Conservancy. I would like to thank the Committee for holding these hearings and for allowing me the opportunity to present The Nature Conservancy's views regarding S. 804, the North American Wetlands Conservation Act. The Nature Conservancy strongly supports S. 804, and we commend Senator Mitchell for his foresight and commitment in introducing this extremely important piece of conservation legislation. I would also like to thank Chairman Baucus for conducting hearings on this bill and the extremely important issue of wetlands protection.

To summarize, S. 804 authorizes the Secretary of Interior to match private, state and local funds for wetland conservation projects with federal appropriations. These projects include acquisition, management, enhancement and restoration of wetland ecosystems. It establishes a nine-member commission to make recommendations on wetlands conservation projects. The legislation also authorizes, funds and implements the North American Waterfowl Management Plan, the purpose of which is to protect wetland habitat throughout Mexico, the United States and Canada.

The Nature Conservancy is a national, non-profit conservation organization with over 500,000 members. Our principle and sole objective is to identify the best and most important examples of America's ecosystem types and rare species habitats - this country's biological diversity - and to provide protection for the most threatened of those areas and species. We are the largest private organization engaged in species conservation in the United States today. The Nature Conservancy has been responsible for the preservation of more than 3,000,000 acres of ecologically significant natural lands since 1954.

Our interest in the North American Wetlands Conservation Act arises from the fact that wetlands preservation is integral to the preservation of biological diversity and endangered species. Wetlands serve many important functions ranging from water quality maintenance to flood control to recreation, but they also provide critical habitat for a tremendous myriad of plant and animal species. Studies have indicated that 35% of all rare, threatened ard endangered species are dependent upon wetlands ecosystems entirely or at some time during their life cycle.

Just one of countless examples of the importance of wetlands to wildlife and endangered species is the Chenier Plain, a priority site identified by the North American Waterfowl Management Plan. The Chenier Plain, located along the gulf coast of Texas and Louisiana, is a 15,000 square mile mosaic of open water habitats, marshes, cheniers, beaches and uplands. The Chenier Plain is one of the most important areas for wintering waterfowl as several million ducks and geese, including northern pintails, mallards, fulvous tree ducks, mottled ducks and white-fronted and Canada geese annually winter in the region. The Cheniers, or forested islands dispersed throughout the wetland, are critical habitat for Neotropical migrant songbirds. Tens of millions of songbirds annually fly the 700 miles across the Gulf of Mexico during spring and fall migration, converging on the Cheniers as they look to rest on the first available land. As in the example of the Chenier Plain, all wetlands, large and small, contain their own tremendous and unique biological value.

The Nature Conservancy works both privately and cooperatively with federal, state and local government to achieve protection of critical endangered species habitat, including wetlands. We accomplish this protection through habitat acquisition and management. However, the scope of this mission is far too large for any single entity. It is crucial that the public sector join with the private sector in a shared mission of protecting these critical wetland ecosystems. The North American Wetlands Conservation Act supports and encourages this public/private cooperation by matching private and state dollars for acquisition and protection of critical wetlands with federal appropriations.

We are all well aware of the alarming rate at which wetlands have been and continue to be lost in this country as well as in the countries of our neighbors to the North and South. In 1986, in an effort to address these disastrous losses, the United States and Canada signed the North American Waterfowl Management Plan. The Plan provides a framework for maintaining an adequate wetlands habitat base for migrating waterfowl and for wetlands preservation in general. In the past, specific sites identified as significant by joint ventures of the North American Waterfowl Management Plan have received acquisition funds. However, the Plan has never been funded in its entirety. We strongly support the North American Wetlands Conservation Act in that it authorizes, funds and implements this important wetlands conservation plan.

I would like to provide you with one example of the many cooperative projects which would greatly benefit from enactment of this legislation, the ACE River Basin project in South Carolina. The ACE River Basin is a priority site identified by the North American Waterfowl Management Plan, and is a series of islands and pristine marsh habitat where the Ashepoo, Combahee and Edisto Rivers converge. The marsh supports one of South Carolina's most productive estuaries and the beautiful St. Helena Sound. It is one of the most productive shellfish and fishing areas in the Southeast, and is habitat for a tremendous variety of wildlife, including several endangered species such as the bald eagle, wood stork, Atlantic sturgeon and loggerhead sea turtle.

The Nature Conservancy, Ducks Unlimited, the State of South Carolina, the US Fish and Wildlife Service, private landowners in the area and others are working on a cooperative venture to preserve and protect the Basin. The project aims to afford protection to about 100,000 acres. The Nature Conservancy and Ducks Unlimited have received gifts of approximately 5,000 acres, and The Conservancy has received easements on 6,000 acres. The Conservancy, Ducks Unlimited and the state are also working with federal agencies to establish a National Wildlife Refuge and a National Estuarine Research Reserve in the ACE River Basin. The North American Wetlands Conservation Act supports these cooperative initiatives, which quite simply are essential to an effective and comprehensive national wetlands preservation program.

The Nature Conservancy is also working cooperatively with other public and private conservation organizations on such North American Waterfowl Management Plan priority sites as Crystal Springs in South Dakota, Roanoke River in North Carolina, Cache River in Arkansas and Cobs Cook Bay in Maine. Should the North American Wetlands Conservation Act be enacted into law, The Nature Conservancy and many other conservation organizations, both public and private, could greatly accelerate and expand these preservation projects across the country.

The protection of wetlands from further loss and degradation is critical to the preservation of this country's biological diversity and endangered species. There are several bills before the Congress addressing the varying components which have been identified as part of a national strategy to reverse and halt the alarming rate of wetlands destruction. S. 804 is a crucial component to this expanding national strategy, and The Nature Conservancy strongly urges its enactment by the Congress.

This concludes my statement. I would be happy to answer any questions.

Working for the Nature of Tomorrow.
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STATEMENT OF THE NATIONAL WILDLIFE FEDERATION
before the
ENVIRONMENTAL PROTECTION SUBCOMMITTEE
of the
SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
on

S. 804

A BILL TO CONSERVE NORTH AMERICAN WETLAND ECOSYSTEMS AND WATERFOWL AND THE OTHER MIGRATORY BIRDS AND FISH AND WILDLIFE THAT DEPEND UPON SUCH HABITATS

presented by

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Vice President
National Wildlife Federation

prepared by

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Director

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Fisheries and Wildlife Division
National Wildlife Federation

National Wildlife Federation
Association of State Wetland Managers
Environmental Defense Fund
International Council For Bird Preservation - U.S. Section
The National Audubon Society
National Coalition For Marine Conservation
Nongame Wildlife Association of North America
Sport Fishing Institute
Trout Unlimited
The Wilderness Society

June 1, 1989

Mr. Chairman and Members of the Subcommittee, the National Wildlife Federation [NWF] appreciates the opportunity to provide this statement on S. 804, the North American Wetlands Conservation Act. I am Lynn Greenwalt, Vice President of International Affairs and Special Assistant to the President of the NWF. I represent the NWF on the North American Waterfowl Management Plan Implementation Board and in that capacity serve as the Chairman of its Communications Subcommittee.

This statement is submitted on behalf of NWF's 5.8 million members and supporters and the Association of State Wetland Managers, the Environmental Defense Fund, the International Council for Bird Preservation - United States Section, the National Audubon Society, the National Coalition For Marine Conservation, the Nongame Wildlife Association of North America, the Sport Fishing Institute, Trout Unlimited, and The Wilderness Society. We all have a longstanding interest and commitment to the protection and wise stewardship of the Nation's wetlands. We support the broad objectives embodied in the North American Waterfowl Management Plan ["Plan"] and endorse the general purposes of S. 804, set forth in Section 2(b) of the bill. Although we offer a consensus perspective on several provisions of S. 804, this testimony does not provide a detailed Section-by-Section analysis of the bill. Each of our organizations reserves the right to provide subsequent comments on S. 804 that more specifically reflect the needs and concerns of members and constituents and may offer improvements on the bill's initiatives for greater wetlands protection, here and abroad.

The Nation's Citizens And Its Public Servants Recognize The Need To Put An End To The Loss Of Its Wetland Ecosystems

> *My position on wetlands is straightforward: All existing wetlands, no matter how small, should be preserved.*
>
> *I believe this should be our national goal--no net loss of wetlands. We can't afford to lose the half of America's wetlands that still remains.*
>
> *America must better protect its wetlands, which comprise bogs, marshes, swamps, and other similar areas that produce numerous benefits for society.*

These quotes are not from the latest issue of the Sierra Club's National News Report, The Wilderness Society's Wilderness, or the testimony of a national environmental organization. They are the words of President George Bush.[1] Although many have dismissed these statements as political rhetoric, hollow platitudes, and inspired hyperbole issued in the heat of a presidential campaign, they are --in our opinion-- of considerable moment. Rather, the President's proclamation of a national "no net loss" policy and his commitment to Congress to "the preservation of the Nation's remaining wetlands, working with the States to slow and eventually stop the loss" reflect a new and deepened awareness and concern for the loss of our Nation's wetlands. To us, it is clear indication that the tide of public opinion is rapidly rising and our public servants are convinced it will no longer be "business as usual" for those who profit from the permanent alteration and destruction of the Nation's rich and valuable wetlands heritage.

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[1] Quoted from Sports Afield Magazine, October 1988, and The President's FY 1990 Budget Address to Congress, submitted February 9, 1989.

Not since the late 1970's have wetlands captured the attention of the Administration and the Congress or stimulated government to seek improvement in the manner in which the Nation manages and protects its wetlands. Even the U.S. Army Corps of Engineers is rallying to protect wetlands and underscores its commitment with statements like, "we wholeheatedly support the President's initiative to strengthen existing Federal programs and regulations that protect, maintain, and restore wetlands"...and we..."feel strongly that something must be done to both minimize and to turn back the clock on wetland losses."[2] The Environmental Protection Agency has endorsed the no net loss policy, and has issued an "Action Plan" charting its course in implementing the policy. The 101st Congress is four months old and at least nine wetland bills,[3] including S. 804, have already been introduced, with more bills likely to come.

S. 804 Is An Important Beginning To Realization Of The President's Call For A National Wetlands Protection Goal Of No Net Loss

As previously mentioned, President Bush has announced his unqualified support for a national wetlands protection goal of no net loss. Specifically,

> *The President will immediately establish a wetlands inter-agency task force under the Domestic Policy Council. The task force will recommend ways to revise and strengthen the current Presidential executive order on wetlands protection. This will include establishment of no net loss as a*

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[2] Testimony of John Doyle, Jr. before the Fisheries and Wildlife Conservation and the Environment Subcommittee of the House Committee on Merchant Marine and Fisheries. May 17, 1989.

[3] S. 630, S. 724, S. 804, H.R. 824, H.R. 1070, H.R. 1526, H.R. 1727, H.R. 1746, and H.R. 2322.

> _national goal and clear direction to Federal agencies to work toward this goal to the extent feasible under current law._[4] [emphasis provided]

These are words not to be casually overlooked, lightly dismissed or simply forgotten. Conservationists and the Congress must now look to Mr. Bush and his staff to ensure that his repeated pledge to the Nation does not go unfulfilled. Admittedly, the concept of "no net loss" is one subject to broad interpretation. Its alternative is that there be "some net loss."

The alternative of "some net loss," dictates, simply, that we will agree to a continuing erosion of the Nation's wetland base and all that remains is to agree on how rapidly it will progress --how soon the last wetland will be allowed to slip away. Should _this_ become national policy --because we failed to have the Nation adhere to a policy of no net loss-- then it is only a matter of calculating when that singular day of disappearance will come. Given the heightened commitment by the Nation to protect its remaining wetlands, and the public's growing demand for stronger federal leadership and more aggressive wetlands protection programs, we believe no such day will come. The only alternative to _no_ net loss is _some_ net loss and that --in our view-- is unacceptable.

S. 804 offers an important opportunity to respond to the Administration's promise of no net loss and to formalize the concept in law. Although accomplishing a national goal of no net loss of wetlands will require a mix of new and existing approaches including both regulatory and nonregulatory strategies, S. 804 --while essentially an acquisition instrument-- provides a timely vehicle for translating into action what has thus far largely been discussion. An important beginning, therefore, is to incorporate specific reference to the no net loss goal into S. 804 and to elaborate on how the legislation promotes this meritorious proposal being advanced by the President himself.

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[4] The President's FY 1990 Budget Address to Congress, submitted February 9, 1989.

Before leaving the subject, it is important to place wetland acquisition programs, generally, and S. 804, specifically, into the broader framework of a no net loss policy. Although S. 804 provides a sound underpinning and an important first step toward a no net loss goal, acquisition alone will never get the job done. For example, the FWS and the Soil Conservation Service estimate that of the 95 million acres of wetlands remaining in the United States, 12.5 million acres (13.2%) are in federal ownership, 10.4 million acres (10.9%) are in state ownership, and 1.8 million acres (2.0%) are in local government ownership.[5] Said differently, 70.3 million acres (74.0%) of the Nation's wetlands are in private ownership and subject to conversion and/or permanent alteration.

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[5] Personal communication with Dale Pierce, U.S. Fish and Wildlife Service, Washington, D.C. May 30, 1989.

Although many in the private and public sector believe the conservation provisions of the 1985 Food Security Act [FSA][6] offer promise to protect these vulnerable wetlands permanently, the fact remains that fewer than than 800,000 acres --less than 1% of the Nation's remaining wetlands-- are protected by Swampbuster and other FSA authorities. The purchase of easements on even 10% of the the remaining wetlands would cost in excess of $1 billion. This illustrates the point that acquisition efforts must be augmented by other programs if a national goal of no net loss is to be achieved. The Congress, the Administration, and the conservation community must not lose sight of the fact that S. 804 is only the beginning, albeit an important and sound one, and not a guarantee of the achievement of no net loss.

Wetland Ecosystems Of North America Provide Numerous Benefits To Society

As recited in Section 2(a) of S. 804, wetlands provide society an array of economic and ecological functions and values. There is voluminous documentation of these functions and values in the scientific literature.[7] Although much work remains to be done in refining our ability to quantify more precisely many of these values, the President recognizes the many societal benefits and functions of wetlands:

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[6] For example, Swampbuster, transfer of FmHA inventory lands with permanent easements, and CRP payments for restored bottomland hardwoods and "cropped wetlands."

[7] For example, see Kusler, J.A. 1983. Our national wetlands heritage. Environmental Law Institute. Washington, D.C.; U.S. Congress Office of Technology Assessment. 1984. Wetlands: their use and regulation. U.S. Government Printing Office. Washington, D.C.; and Feierabend, J.S. and J.M Zelazny. 1987. Status report on our nation's wetlands. National Wildlife Federation. Washington, D.C.

> *....[wetlands] produce numerous benefits for society. They help to maintain water quality by filtering out pollutants and sediments. They serve to control erosion by trapping soil washed from nearby farmlands. They play an important role in reducing flooding problems by temporarily storing large quantities of water and by slowing the velocity of flood waters. Finally, they are sources of recreation, timber, and other natural products for commercial use.*[8]

Although S. 804 is a fundamental effort to "institutionalize" the North American Waterfowl Management Plan and to provide a permanent funding source for its execution, it is important the Subcommittee not lose sight of the many benefits wetlands provide the American public in addition to breeding, staging, and overwintering habitat for waterfowl. The bill must recognize as well the full complement of services wetlands provide, including their value as habitats for rare and endangered species, important spawning and nursery areas for a variety of commercial and recreational fish and shellfish, sites for scientific research and study, places of recreation and aesthetic appreciation, and their often significant role in influencing local and regional hydrologic regimes.

The importance of wetlands in maintaining abundant and well-distributed nongame migratory bird populations provides a compelling example of why S. 804 must encompass the broad array of benefits that are derived from protecting wetlands. According to the U. S. Fish and Wildlife Service [FWS], the majority (57%) of nongame birds listed as species of management concern [i.e., generally those species considered to be in decline] forage in wetlands.[9] In addition, 47% of the listed nongame bird species are associated with coastal and freshwater wetlands and beaches, compared to 33% requiring open woodlands and forests, 20% requiring fields or grasslands, and 20% requiring mixed habitats.

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[8] The President's FY 1990 Budget Address to Congress, submitted February 9, 1989.

Protection of coastal wetlands is particularly important. Estuarine systems provide critical spawning and nursery areas for a number of commerically- and recreationally-important fish and shellfish species. For example, in the Southeast coastal region of the United States, 96% of the commercial and more than 50% of the sport fish and shellfish harvest are composed of species that depend on estuaries for all or part of their life cycle. In Louisiana, catches of shrimp and menhaden alone have a dockside value of $200 million. Striped bass, red drum, and speckled sea trout are other good examples of important sport and commercially-caught species which are dependent on healthy estuarine wetland ecosystems. These, and other species sought by recreational anglers support a marine sport fishing industry valued at over $7.5 billion annually.

The point is that while S. 804 correctly recognizes the plight of North America's declining waterfowl resource and is designed largely to stabilize and reverse these declines, there are many other "user groups" and "wetland constituents" who have a stake in wetlands protection and whose considerable influence should not be overlooked as deliberations on S. 804 evolve. Such groups include politically-active individuals, citizen organizations and coalitions, such as local "Wetland Watchers" and regional "Save the Bay" associations, as well as national groups, like the Nongame Association of North America, the Environmental Defense Fund, and the International Council for Bird Preservation - U.S. Section, represented in this testimony. Because so many private groups have a commitment to the protection of wetlands, the scope and focus of S. 804 should remain broad.

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[9] U.S. Fish and Wildlife Service. 1987. Migratory nongame birds of management concern in the United States: the 1987 list. Office of Migratory Bird Management. Washington, D.C.

S. 804 Embodies Several Critical Provisions

S. 804 contains several elements and advances a number of key policies. First, it is fiscally conservative and builds on the "user fee" concept that has broad Congressional acceptance. This approach is at the heart of some of the Nation's most successful conservation programs, including the Federal Aid in Sport Fish Restoration Act [P.L.98-369], the Migratory Bird Hunting Stamp Act [16 U.S.C. 718-718h], and the Federal Aid in Wildlife Restoration Act [16 U.S.C. 669b(b)], which S. 804 amends. There is every reason to apply the "user fee" approach to funding wetlands conservation efforts and we urge the Subcommittee to maintain this important element of S. 804.

Second, S. 804 embraces and promotes true wetland conservation "partnerships." Specifically, the cost-share requirements set out in Sections 8(b) and (c) establishing non-Federal matching funds is a proven approach to stretching limited conservation dollars. There is considerable experience with the "cost share" programs so successfully utilized by the U.S. Forest System, the Bureau of Land Management, and, most recently, the FWS. The National Fish and Wildlife Foundation [Foundation] has also established an enviable track record in securing private money to match Federal dollars to accomplish important and lasting conservation projects. For example, in FY 1988, the Foundation secured $4 million to help advance the North American Waterfowl Management Plan and completed 31 other fish and wildlife conservation projects, all involving private matching funds. Private-Federal partnerships are an increasingly popular way to magnify diminishing Federal monies for conservation programs, and there is no reason why this approach should not be adopted, as it is in S. 804, for wetlands conservation.

Third, by amending 16 U.S.C. 669b(b) [Pittman-Robertson], dedicating fines collected pursuant to the Migratory Bird Treaty Act [16 U.S.C. 707], and authorizing new appropriations, S. 804 for the first time provides for a relatively stable and predictable source of funds for wetlands projects, including acquisitions. This is one of the bill's strongest elements and it is one we support vigorously. Currently, the majority of the Federal wetlands acquisition programs are subject to annual appropriations and funding for these programs can fluctuate dramatically from year to year. Further, there is no mechanism currently in place to provide for the continuous funding of wetland enhancement and restoration projects. S. 804 would eliminate most of these problems and provide an important impetus to slowing the continuing loss of the Nation's wetlands. Funding levels contemplated may be low, but will surely keep the program progressing until fiscal circumstances improve.

Finally, Section 9 of S. 804 would eliminate the deepening shortfalls in annual appropriations for the Refuge Revenue Sharing Act [RRSA, 16 U.S.C. 715s(d)], thereby resolving an issue that has become increasingly sensitive and now has the potential to hamstring many important wetland acquisitions contemplated by the FWS. For example, the FY 1990 shortfall in payments to local governments is estimated to be in excess of $6 million. The impact of these shortfalls has been that at least 25 counties in five states will disapprove FWS wetland acquisition requests until full payments are assured. S. 804 requires that shortfalls in payments to counties be provided through annual appropriations rather than through its new funding mechanisms. This important element of S. 804 would resolve an issue that promises to only worsen with time and would help put the FWS's wetlands acquistion program back on track. We urge the Subcommittee to support this vital component of S. 804 and to resist efforts to sidetrack or eliminate the provision.

Considerations For Expanding The Scope Of S. 804

S. 804 is comprehensive, detailed, and has the potential to advance wetlands protection in the United States as well as abroad. Many of its provisions are innovative and offer new hope for the Nation's diminished wetlands inventory. For example, resolution of the RRSA issue will --in itself-- reinvigorate important land acquisitions by the FWS in areas of the country where wetlands are under extreme pressure for conversion. However, there are ways in which S. 804 might be expanded and broadened in its scope to provide a more comprehensive legislative framework for wetlands conservation.

First, S. 804 may provide opportunities for the U.S. to enhance its commitment to The Convention on Wetlands of International Importance Especially as Waterfowl Habitat [Ramsar]. This Convention, concluded in Ramsar, Iran in 1971, was ratified by the United States in 1985. On April 18, 1987, the U.S. became full party to the Convention. One primary purpose of Ramsar is to list wetlands of international significance, highlight the values of these sites, and formulate and implement planning so as to promote the conservation of these areas.

To date, the United States has listed seven Ramsar sites. These include Ash Meadows National Wildlife Refuge [NV], Forsythe National Wildlife Refuge [NJ], Izembeck National Wildlife Refuge [AK], Okefenokee National Wildlife Refuge [GA], Everglades National Park [FL], Chesapeake Bay Estuary Ecosystem [MD, VA, PA, and the District of Columbia], and Cheyenne Bottoms [KS]. In addition, the Stillwater National Wildlife Refuge [NV] and its associated wetland complexes are now under review for consideration. None of these areas was listed solely on the basis of its utilization by waterfowl, but for a variety of reasons, such as importance as habitat for endangered species, fish and shellfish, visitor use, and education. In contrast to the U.S., Canada --which has been party to the Convention much longer than the United States-- has listed approximately 30 sites. Mexico has listed only a single site.

Although the FWS is currently in rulemaking to establish criteria against which U.S. Ramsar sites will be nominated [54 Federal Register at 14396; 11 April 1989], to date this has been the only action taken to implement the articles of the Convention. Notwithstanding arguments that the Treaty is "self-implementing," there may be merit to legislating the United States' obligations under Ramsar to ensure that its provisions carry the force of law. Given the international reach of S. 804, this recommendation is particularly relevant and we encourage the Subcommittee to explore the measure's options under this authority.

Second, there may be other funding sources for S. 804 that merit further investigation. The amount of money potentially flowing from S. 804 annually --an estimated $26 million-- is a sum that will help promote and advance the goals and objectives of the North American Waterfowl Management Plan. Considering that more than 50% [$15 million] of these funds will be subject to annual appropriations, realistically one can be assured only of receiving approximately $11 million annually. Even this amount will provide a sound financial start, but other sources of "predictable" revenues should be identified to assure accelerating the rate at which the Plan's goals are met.

We recognize the political necessity of having any new source of revenue not include a tax increase. One such source may be found in the existing authority of the Federal Highway Administration [FHWA] to impose penalties on persons who install privately owned drainlines or conduits on the right-of-way of Federal-aid or direct highway projects for the purpose of draining adjacent wetlands. In fact, the FHWA has regulated these activities [23 C.F.R. 645.2091] since 1960, but has been lax in enforcing these prohibitions. According to the U.S. Department of Interior's recent Report to Congress[10] issued pursuant to the Emergency Wetlands Resources Act of 1986 [P.L. 99-645], the low level of enforcement of existing regulations means that wetland drainage into the rights-of-way on Federally-aided roadways will continue.

Although we do not have detailed information on the amount of money to be derived, dedicating fines collected under the FHWA's authority to the purposes of S. 804 --as is proposed in Section 7(b) for penalties and fines collected pursuant to the Migratory Bird Treaty Act-- could be an important source of new funds. In addition, such action could yield the ancillary benefit of better enforcement of FHWA's authority and prevent the continuing practice of draining wetlands illegally.

Third, while the criteria against which funding projects are judged are well-conceived, there are two other elements that might be considered. Since fish and shellfish are key components of wetland ecosystems, ecologically and economically, S. 804 offers a good opportunity to assist in conserving important fish habitats. Habitat conservation provisions have been incorporated, and continue to be developed, for fish species managed by the federal government under authority of the Magnuson Fishery Conservation and Management Act [P.L. 94-265], and by interstate agreements [through the Atlantic States, Gulf of Mexico, and Pacific Marine Fisheries Commissions]. Protection of wetlands, and suitable water quality in wetland areas, are being increasingly recognized as vital to the success of fishery management plans [FMPs]. Therefore, we believe it would be appropriate to consider the addition of a new criterion to the project evaluation section which would allow for consideration of the extent to which the proposed project would assist in achieving the objectives of FMPs established by the federal government and by interstate agreement. Potentially, important fish stocks, such as salmonids in the Pacific Northwest, anadromous striped bass in the mid-Atlantic region, and shrimp and red drum in the Gulf of Mexico, could benefit substantially from this provision.

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[10] U.S. Department of the Interior. 1988. The impact of federal programs on wetlands. Volume I: the Lower Mississippi Alluvial Plain and the Prairie Pothole Region. Washington, D.C.

A second criterion absent from Section 5 is discussion of a project's educational value and opportunities. If there is one consensus on wetlands issues, it is that there is a need for better public understanding of wetlands. Therefore, an additional measure, that of educational opportunity, should be integrated into the evaluation process.

This concludes our statement on S. 804. Thank you.

Wildlife Management Institute

Dedicated to Wildlife Since 1911
Suite 725, 1101 14th Street, N.W.
Washington, D.C. 20005
202/371-1808

Testimony of Lonnie L. Williamson
before the
Subcommittee on Environmental Protection
Committee on Environment and Public Works
on
North American Wetland Conservation Act (S. 804)
June 1, 1989

Mr. Chairman:

I am Lonnie L. Williamson, vice-president of the Wildlife Management Institute. The Institute, organized in 1911 is dedicated solely to restoration and improved management of wildlife in North America.

We support the purposes of S. 804 and most of the bill's specific provisions designed to attain wetland conservation goals. We thank the committee for developing and proposing this legislation.

The committee is well aware of the nation's wetland values, losses and needs. We won't go into that, except to say we appreciate the information gathered and published through the committee's hearing process in recent years.

We have but three concerns with S. 804.

First, it may set a precedent by using significant amounts of funds derived from the Federal Aid in Wildlife Restoration Program (PR) for other than state efforts. Certainly, these would be new funds made available by S. 804. But still, they can be considered part of PR, and thus, their use would constitute a diversion from state wildlife agencies to the federal government.

The purpose of PR from its inception has been to finance wildlife restoration activities conducted by state agencies legally responsible and accountable for wildlife. This basic tenet has been used to fend-off countless attempts by state and federal officials to capture PR money for purposes other than wildlife or for use by groups (including nongovernmental organizations) other than state wildlife agencies.

We believe that the potential precedent established by S. 804 could be haunting sometime in the future, as a variety of worthy causes unrelated to wildlife conservation seek funding. However, we realize the value of capturing interest on the PR account and the support it would provide wetland conservation. Therefore, we believe the potential returns overshadow the risks of this provision. But we urge the committee to make very clear in the bill and legislative history that the diversion is to expedite wetland acquisition that is in accord with state interests in the North American Waterfowl Management Plan.

Our second concern is the absence of a date certain when PR interest would be redirected from the Service into normal state PR apportionments. Under S. 804, the funds would go to states only after the North American Plan goals have been achieved. Considering the estimated $1.5 billion cost of reaching those goals, and that far less than 1 percent of the funds has been raised during 3 years of trying, the Plan's completion could be many decades ahead. In fact, it may never be completed, in which case we could wind up funding federal wetland acquisition forever with money that should go to state wildlife programs.

Therefore, we strongly recommend that the committee include language in S. 804 which would designate PR interest receipts to traditional state apportionments in the year 2000.

A third point involves Section 6(a)(3) of S. 804 which allows the Secretary to convey real property interests purchased under the act to state, federal and private organizations for uses other than wildlife. The criteria for such a transfer, according to our understanding, is that wetland conversions be in accord with the North American Waterfowl Management Plan and that "comparable wetland ecosystems or other habitat, of at least equal fair market value" be obtained in return.

We visualize that this provision could permit a great deal of mischief. It would allow protected wetlands to be converted to other uses, with no assurances that unprotected wetlands would be preserved in their stead (the substitute could be "other habitat" rather than wetlands). These substitutes could be important nesting and feeding habitat adjacent to or near wetlands, but not necessarily. If this provision were handled improperly by the Secretary, wetlands could be traded through the program and destroyed, which is not the purpose of this legislation.

Also, the "fair market value" criteria does not guarantee "equal habitat value," which is the important judgement of worth as far as wetland wildlife is concerned.

We recommend that the committee review and amend the language in Section 6(a)(3) so that it unquestionably conforms with the wetland conservation purposes of the bill.

We appreciate the committee's diligent efforts to conserve wetlands and the opportunity to support and offer our views on this legislation. We urge that S. 804 be reported favorably at your earliest convenience.

Canadian Embassy Ambassade du Canada

501 Pennsylvania Ave. N.W.
Washington, D.C. 20001

May 30, 1989

The Honourable Max Baucus
United States Senate
Room 706
Senate Hart Office Building
WASHINGTON, D.C. 20510

Dear Senator Baucus,

Thank you for your letter of May 9, 1989 inviting us to identify a Canadian witness for your June 1 hearing on the North American Wetlands Conservation Act. We are pleased to inform you that Mr. David Neave, Executive Director of Wildlife Habitat Canada will be available to make a presentation.

As Canadian government policy prohibits the appearance of officials before the U.S. Congress, we have prepared, for the record, the attached statement by the Canadian government on the implementation of the North American Waterfowl Management Plan and related topics of interest.

Needless to say, Canada is firmly committed to halting the current decline of many species of ducks, geese and other migratory birds through the implementation of the 1986 North American Waterfowl Management Plan. We look forward to continued, close cooperation with the United States toward this worthy goal.

Yours sincerely,

DHBurney

D. H. Burney
Ambassador

NORTH AMERICAN WATERFOWL MANAGEMENT PLAN

PROPOSED IMPLEMENTING LEGISLATION

STATEMENT OF CANADIAN GOVERNMENT VIEWS

The North American Waterfowl Management Plan (NAWMP), signed in 1986 is a key bilateral instrument for co-operative waterfowl management by the Governments of Canada and the United States. Its guiding principles, developed after several years of joint effort, are founded upon the basic idea of protection of waterfowl and its habitat through long-term planning and close co-ordination of management activities between jurisdictions in North America. It is unique in basing part of its activities on the co-operation and financial contributions of users of waterfowl, including sport and subsistence hunters, naturalists and recreational users.

The "North American Wetlands Conservation Act" (Bill S-804) is a major step towards the realization of the goals and objectives outlined in the NAWMP agreement of 1986. In order to achieve these goals and objectives, the Plan called for a substantial commitment of resources from both sides of the border. It is most encouraging that Bill S-804 would provide, and encourage others to provide, resources in support of waterfowl habitat conservation and enhancement. The level of funding proposed (approximately US$30 million per annum) will act as a catalyst for long-term commitments by all partners involved.

Since 1986, considerable activity has taken place in both Canada and the United States through First and Second Step projects, though not on the scale required to meet the objectives of the Plan. Major emphasis has been placed on establishing the required administrative structure, developing and implementing planning mechanisms and communications strategies as well as forging essential partnerships. The mechanisms are now in place to handle the level of activities required to meet the objectives of NAWMP. The legislation now before the Senate will provide a significant proportion of the resources needed to translate the Plan's goals and objectives into concrete projects and activities.

Canada is prepared to do its part to fulfill its commitment under NAWMP by providing funds as well as ideas and concepts. Since 1986, Canada has established two

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Habitat Joint Ventures, the Prairie Habitat Joint Venture and the Eastern Habitat Joint Venture, and is actively involved in two Population Joint Ventures, Black Duck and Arctic Goose. These joint ventures are partnerships among provincial and federal governments, research establishments and private sector organizations. Since constituted, they have initiated eight on-the-ground projects in eight provinces, funded jointly by the United States and Canada.

To date, the Canadian federal government has specifically committed and spent CDN$1.7 million on NAWMP approved projects. This is in addition to the time and money already spent in bringing NAWMP to its present position, and to the person-years, salaries and operating expenses across Canada of ongoing federal programs which are devoted, in whole or in part, to NAWMP. NAWMP is now before our federal Cabinet, which will shortly consider funding for its implementation over the next five years. These monies would be exclusively devoted to NAWMP projects, including the Prairie Habitat, Eastern Habitat, Arctic Goose and Black Duck Joint Ventures.

In addition to these direct NAWMP commitments from the federal government, there are several other initiatives which are directly supportive of NAWMP goals and objectives. Specifically, these include the CDN$75 million Soil Conservation Program of Agriculture Canada, with matching provincial programs. Many of the actions to be carried out under it will be of direct benefit to waterfowl and waterfowl habitat. Specifically, the Permanent Cover Program portion of the Soil Conservation Program will retire much marginal agricultural land (ie., good wildlife habitat) from cropland into permanent cover,(ie., dense nesting cover).

Across Canada, there are many wetlands initiatives outside of NAWMP which, in preserving and promoting wetlands, will contribute to meeting NAWMP objectives. For example, the federal government's St. Lawrence River Action Plan contains wetland and habitat provisions. The 1987 Protocol Amending the Great Lakes Water Quality Agreement between Canada and the United States included new provisions on wetland conservation. In time, we will be better able to assess the contribution of these and other federal initiatives related to the promotion of sustainable development to the achievement of the goals and objectives of NAWMP.

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The provinces too have a role to play in the implementation of NAWMP. The provincial commitments to it have been largely identified, and are at varying stages of approval within the respective provincial government systems. In the West, Saskatchewan was the first to announce a formal provincial commitment to NAWMP of CDN$49 million over 15 years, and shortly thereafter, Alberta committed CDN$36 million over 15 years. Manitoba, subject to the approval of its provincial Cabinet, will provide CDN$13 million to the 15 year plan of the Prairie Habitat Joint Venture for projects within that province. In Eastern Canada, tentative commitments have been made by those provinces associated with the five-year plan under NAWMP, the Eastern Habitat Joint Venture. Ontario has identified approximately CDN$3.5 million per annum for this purpose, and Quebec intends to contribute CDN$1.6 million over five years to it. The Atlantic provinces are currently attempting to secure commitments of roughly CDN$2 million over five years.

Private sector contributions and commitments to NAWMP are primarily from Ducks Unlimited Canada (DUC) and from Wildlife Habitat Canada (WHC). DUC has committed to provide at least CDN$50 million over the 15 year life of the program. In addition, special construction and Heritage Marsh Construction projects begun prior to NAWMP will be continued and undertaken throughout the 15 year period. WHC has already committed over CDN$1 million to NAWMP first-step projects, and indicates strong continuing financial support.

As indicated, Canada is serious about implementing NAWMP with funding, long-term commitments and projects. Canada looks forward to working with the Commission which would be created by Bill S-804 to propose Canadian projects, co-ordinate their implementation and the expenditure of US funds in Canada for the benefit of North American waterfowl.

May 29, 1989

**Committee
for
Humane
Legislation**

The Committee is the legislative arm of Friends of Animals conducting public action to protect animals.

Leslie Fain
Legislative Director

Priscilla Feral
Executive Director

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Testimony of the Committee for Humane Legislation regarding

S.804

"North American Wetlands Conservation Act"

Submitted for the Hearing Record June 1, 1989

Committee on Environment and Public Works

Prepared by:

Dr. Thomas Eveland
Senior Ecologist
Friends of Animals

There is no doubt that an extensive and effective system needs to be immediately implemented concerning this nation's wetlands. Their importance regarding ground and surface water recharge, flood and drought control, and surface water filtration affects millions of Americans on a daily basis. Wetlands also play a critical role in maintaining healthy and viable populations of many common species of plants and animals as well as 35% of this country's threatened and endangered species.

The stated goal of S.804 is "[t]o conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitat." However, S.804 is designed specifically for waterfowl enhancement and is simply employing "wetland ecosystems" as a vehicle to achieve this goal. The real intent of this bill is not made clear until the latter parts of its text, i.e., that wetlands will be restored, managed and, if necessary, enhanced for maximum waterfowl production. S.804 should be designated the "Duck Bill," because that is exactly the practical thrust of this measure--the production of ducks.

Indisputably, the preservation of our wetlands guarantees the perpetuation of our waterfowl species. However, a bill which provides for the protection of wetlands should not be so closely linked with waterfowl production nor have such as its primary purpose. If the intent behind S.804 is the protection of our wetlands, then logically it should be primarily a wetlands bill. A separate and totally distinct measure could be drafted which deals exclusively with waterfowl. Indeed, this end was accomplished when Secretary of the Interior Hodel signed the North American Waterfowl Management Plan with Canada's Environment Minister.

Bill S.804's emphasis upon waterfowl production and its echoes of the North American Waterfowl Management Plan, invite the following comments:

1) Biased Acquisition: S.804 provides for the acquisition of wetlands within known migratory routes or in key feeding, resting and nesting areas. Other wetlands, existing outside these flyways, may be ignored. Such selectivity could prevent the acquisition of wetlands that may exist in areas experiencing explosive development and which are vital to local flood control, surface and ground water recharge, and surface water filtration. Furthermore, the narrow focus of the legislation under consideration may deny protection to certain critical wetland areas which harbor threatened and endangered species.

2) Wetlands Enhancement: If an acquired wetlands can be enhanced to promote waterfowl production, S.804 will ensure this end. With 35% of this nation's threatened and endangered plants and animals living within wetlands, there is little doubt that a negative impact will occur concerning their status. Mallards are definitely declining, but they are still a long way from any threatened list. More

emphasis should be provided to those species that are listed as either threatened or endangered when their habitat overlaps with species not on the list.

3) Funding: According to S.804 a substantial percentage of the funding available for wetlands acquisition will go to Canada and Mexico. Although this will certainly benefit the U.S. waterfowl hunter, it will prevent additional wetlands within the political boundaries of this nation from being purchased. Every acre of wetlands purchased in Mexico and Canada for waterfowl production represents an acre of wetlands having a variety of benefits for American citizens that could, but will not, be acquired.

Under the North American Waterfowl Management Plan that was signed by both Canada and the U.S., special emphasis was placed on Canada's dedication to the goals of the plan. If this is really the case, then why must we forfeit a large percentage of our funding for their half of the program? And can we expect to see Canadian legislation in the near future which would appropriate monies for wetland acquisition in the U.S. and Mexico? Joint agreements impose an obligation of equal responsibilities. We must endeavor to care for our own precious resources before we expend funds to assist other countries.

Conclusion

Friends of Animals maintains that in its current form S.804

combines two issues to the detriment of our nation's wetlands. Is the bill primarily for the benefit of America's wetlands or is it primarily for the purpose of waterfowl production? A reading of the last sections of this bill reveal its main purpose -- S.804 is just another bill designed to enhance the production of ducks. If the emphasis of this bill was strictly American wetland ecosystems, eliminating the obvious bias in favor of the waterfowl hunter would have a significant beneficial impact on our wetlands.

The National Wildlife Refuge System has approximately 90 million acres, a large percentage of which were acquired for the sole purpose of "waterfowl production." Despite this, populations of ducks and geese continue to decline. It is obvious that more wetlands need to be acquired but not primarily for waterfowl hunting. The closure of our National Wildlife Refuges to waterfowl hunting and the imposition of strict constraints upon waterfowl hunters, e.g., closed seasons on certain species, should take precedence over the acquisition of more duck lands. The recovery of waterfowl populations will only be achieved by those measures possessing a scope of greater breadth than S. 804.

THE WILDLIFE SOCIETY
5410 Grosvenor Lane • Bethesda, MD [illegible] Tel. (301) 897-9770

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OFFICE OF SENATOR BURDICK

2 June 1989

Honorable Quentin N. Burdick, Chairman
Committee on Environment and Public Works
SD-458 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Burdick:

The Wildlife Society supports S. 804, the North American Wetlands Conservation Act. The Wildlife Society is a scientific and educational association of over 8,400 professional wildlife managers, researchers, educators, and administrators working to promote conservation of our natural resources.

Over half of the original wetlands in the United States have been destroyed by land use practices. In addition, many waterfowl populations have declined to all-time lows throughout the North American continent. Current legislation attempting to curtail the rapid loss of wetlands is inadequate.

S. 804 recognizes the importance of wetlands for their many values. Wetlands provide important breeding, wintering, and migratory habitat for waterfowl; wetlands support a wide array of commercially, recreationally, scientifically, and aesthetically important wildlife; and over one-third of all threatened and endangered species are associated with wetlands.

The projects supported by this bill, such as the North American Waterfowl Management Plan (NAWMP), that target wetland acquisition, enhancement, management, or restoration are extremely valuable.

The bill's funding sources for wetland conservation projects are specific, innovative, and augment the completion of these projects. The Society endorses the short-term use of interest generated by Pittman-Robertson (P-R) income to partially fund wetland conservation projects. We would, however, be opposed to the use of actual P-R revenues to fund this legislation.

S. 804 recognizes that wetland conservation over the entire North American continent is essential to enhancing migratory birds and other fish and wildlife populations. Funding only domestic programs ignores many critical migratory bird breeding and wintering habitats in Canada and Mexico. This bill also acknowledges that the U.S. must help with funding and initiating such international conservation projects, as Canada and Mexico cannot alone allocate sufficient funds to protect wetlands critical to migratory wildlife.

The Society supports S. 804, which will help successfully implement the NAWMP and promote the management of North America's remaining wetland resources in a scientific manner.

Please include this testimony in the 1 June 1989 official hearing record.

Sincerely,

Harry E. Hodgdon

Harry E. Hodgdon
Executive Director

101st CONGRESS
1st Session

S. 804

To conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

IN THE SENATE OF THE UNITED STATES

April 17 (legislative day, January 3), 1989

Mr. Mitchell (for himself, Mr. Baucus, Mr. Chafee, Mr. Breaux, Mr. Durenberger, Mr. Reid, and Mr. Kasten) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North American Wetlands Conservation Act".

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) Findings.—The Congress finds and declares that—

(1) the maintenance of healthy populations of migratory birds in North America is dependent on the

protection, restoration, and management of wetland ecosystems and other habitats in Canada, as well as in the United States and Mexico;

(2) wetland ecosystems provide essential and significant habitat for fish, shellfish, and other wildlife of commercial, recreational, scientific, and aesthetic values;

(3) almost 35 per centum of all rare, threatened, and endangered species of animals are dependent on wetland ecosystems;

(4) wetland ecosystems provide substantial flood and storm control values and can obviate the need for expensive manmade control measures;

(5) wetland ecosystems make a significant contribution to water availability and quality, recharging groundwater, filtering surface runoff, and providing waste treatment;

(6) wetland ecosystems provide aquatic areas important for recreational and aesthetic purposes;

(7) more than 50 per centum of the original wetlands in the United States alone have been lost;

(8) wetlands destruction, loss of nesting cover, and degradation of migration and wintering habitat have contributed to long-term downward trends in pop-

ulations of migratory bird species such as pintails, American bitterns, and black ducks;

(9) the migratory bird treaty obligations of the United States with Canada, Mexico, and other countries require protection of wetlands that are used by migratory birds for breeding, wintering, or migration and are needed to achieve and to maintain optimun population levels, distributions, and patterns of migration;

(10) the 1988 amendments to the Fish and Wildlife Conservation Act of 1980 require the Secretary of the Interior to identify conservation measures to assure that nongame migratory bird species do not reach the point at which measures of the Endangered Species Act are necessary;

(11) protection of migratory birds and their habitats requires long-term planning and the close cooperation and coordination of management activities by Canada, Mexico, and the United States within the framework of the 1916 and 1936 Migratory Bird Conventions;

(12) the North American Waterfowl Management Plan, signed in 1986 by the Minister of Environment for Canada and the Secretary of the Interior for the United States, provides a framework for maintaining

and restoring an adequate habitat base to ensure perpetuation of populations of North American waterfowl and other migratory bird species; and

(13) the long-term conservation of migratory birds and habitat for these species will require the coordinated action of governments, private organizations, landowners, and other citizens.

(b) PURPOSE.—The purposes of this Act are to encourage partnership among public agencies and private interests—

(1) to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife in North America;

(2) to maintain current or improved distributions of migratory bird populations; and

(3) to sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan and the international obligations contained in the migratory bird treaties and conventions with Canada, Mexico, and other countries.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term "appropriate Committees" means the Committee on Environment and Public Works of the United States Senate and the Committee on Merchant Marine and Fisheries of the United States House of Representatives.

(2) The term "flyway" means the four administrative units used by the United States Fish and Wildlife Service and the States in the management of waterfowl populations.

(3) The term "migratory birds" means all wild birds native to North America that are in an unconfined state and that are protected under the Migratory Bird Treaty Act, including ducks, geese, and swans of the family Anatidae, species listed as threatened or endangered under the Endangered Species Act (16 U.S.C. 1531 et seq.), and species defined as nongame under the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901–2912).

(4) The term "Plan" means the North American Waterfowl Management Plan signed by the Minister of the Environment for Canada and the Secretary of the Interior for the United States in May 1986.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "State" means the State fish and wildlife agency.

(7) The term "wetlands conservation project" means—

(A) the obtaining of a real property interest in lands or waters from willing sellers or donors if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon and that will provide for appropriate public access; and

(B) the restoration, management, or enhancement of wetland ecosystems and other habitat for migratory birds and other fish and wildlife species if such restoration, management, or enhancement is conducted on lands and waters that are administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon and that are available for appropriate public access.

SEC. 4. ESTABLISHMENT OF NORTH AMERICAN WETLANDS CONSERVATION COMMISSION.

(a) COMMISSIONERS.—(1) There shall be established a North American Wetlands Conservation Commission which shall consist of nine Commissioners who may not receive compensation as Commissioners. Of the Commissioners—

(A) one shall be the Director of the United States Fish and Wildlife Service;

(B) one shall be the Secretary of the Board of the National Fish and Wildlife Foundation appointed pursuant to section 3(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702); and

(C) four shall be individuals who shall be appointed by the Secretary, who shall reside in different flyways and who shall each be a Director of the State fish and wildlife agency directly responsible for conservation of fish, wildlife, and wetlands;

(D) three shall be individuals who shall be appointed by the Secretary and who shall each represent a different charitable and nonprofit organization which is actively participating in implementation of the Plan.

(2) The Secretary shall appoint an alternate Commissioner who shall be knowledgeable and experienced in matters relating to fish, wildlife, and wetlands conservation and who shall perform the duties of a Commissioner appointed

under subsection (a)(1)(C) or subsection (a)(1)(D) of this section—

(A) until a vacancy referred to in subsection (b)(4) of this section is filled; or

(B) in the event of the anticipated absence of such a Commissioner from any meeting of the Commission.

(b) APPOINTMENT AND TERMS.—(1) Except as provided in paragraphs (2) and (3), the term of office of Commissioners appointed under subsections (a)(1)(C) and (a)(1)(D) of this section is six years.

(2) Of the Commissioners first appointed under subsection (a)(1)(C) of this section after the date of enactment of this Act, one shall be appointed for a term of three years, one shall be appointed for a term of four years, one shall be appointed for a term of five years, and one shall be appointed for a term of six years.

(3) Of the Commissioners first appointed under subsection (a)(1)(D) of this section after the date of enactment of this Act, one shall be appointed for a term of two years, one shall be appointed for a term of four years, and one shall be appointed for a term of six years.

(4) Whenever a vacancy occurs among Commissioners appointed under subsection (a)(1)(C) or subsec-

tion (a)(1)(D) of this section, the Secretary shall appoint an individual in accordance with either such subsection to fill that vacancy for the remainder of the applicable term.

(c) Ex Officio Commission Members.—The Secretary is authorized and encouraged to include as ex officio nonvoting members of the Commission representatives of—

(1) the Federal, provincial, territorial, or State government agencies of Canada and Mexico, which are participating actively in carrying out one or more wetlands conservation projects under this Act or the Plan;

(2) the Environmental Protection Agency and other appropriate Federal agencies, in addition to the United States Fish and Wildlife Service, which are participating actively in carrying out one or more wetlands conservation projects under this Act or the Plan; and

(3) Native American interests, including tribal organizations, which are participating actively in one or more wetlands conservation projects under this Act or the Plan.

(d) Chairman.—The Chairman shall be elected by the Commission from its members for a two-year term.

(e) QUORUM.—A majority of the current membership of the Commission shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman at least once a year. Nonexecutive sessions of Commission meetings shall be open to the public. If a Commission member appointed under subsection (a)(1)(C) or (a)(1)(D) of this section misses three consecutive regularly scheduled meetings, the Secretary may remove that individual from the Commission and fill that vacancy in accordance with subsection (b)(4).

(g) REIMBURSEMENT OF EXPENSES.—Members of the Commission appointed under subsection (a)(1)(C) or subsection (a)(1)(D) of this section shall serve without pay, but be reimbursed by the Secretary with the funds available under section 8(a)(1) for administering this Act for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Commission.

(h) COORDINATOR.—The Director of the United States Fish and Wildlife Service shall designate an individual—

(1) who shall be educated and experienced in the principles of fish, wildlife, and wetlands conservation;

(2) who shall be responsible, with assistance from the United States Fish and Wildlife Service, for administration of this Act; and

(3) who shall be compensated with the funds available under section 8(a)(1) for administering this Act.

SEC. 5. APPROVAL OF WETLANDS CONSERVATION PROJECTS.

(a) CONSIDERATION BY THE COMMISSION.—The Commission shall recommend wetlands conservation projects to the Secretary based on consideration of—

(1) the availability of sufficient non-Federal moneys to carry out any wetlands conservation project and to match Federal contributions in accordance with the requirements of sections 8(b) and 8(c) of this Act;

(2) the extent to which any wetlands conservation project represents a partnership among public agencies and private entities;

(3) the consistency of any wetlands conservation project in the United States with the National Wetlands Priority Conservation Plan developed under section 301 of the Emergency Wetlands Resources Act (16 U.S.C. 3921);

(4) the extent to which the wetlands conservation project fulfills the purposes of this Act and the goals of the Plan;

(5) the extent to which any wetlands conservation project would aid the conservation of migratory nongame birds, other fish and wildlife and species that are

listed, or are candidates to be listed, as threatened and endangered under the Endangered Species Act (16 U.S.C. 1531 et seq.);

(6) the substantiality of the character and design of the wetlands conservation project; and

(7) the recommendations of any partnerships among public agencies and private entities in Canada, Mexico, or the United States which are participating actively in carrying out one or more wetlands conservation projects under this Act or the Plan.

(b) RECOMMENDATIONS TO THE SECRETARY.—The Commission shall submit to the Secretary and the appropriate Committees by March 30 of each year, a description, including estimated costs, of the wetlands conservation projects which the Commission has considered under subsection (a) of this section and which it recommends, in order of priority, that the Secretary approve for Federal funding under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act.

(c) COMMISSION PROCEDURES.—The Commission shall establish practices and procedures for the carrying out of its functions under subsections (a) and (b) of this section. The procedures shall include requirements that—

(1) a quorum of the Commission must be present before any business may be transacted; and

(2) no recommendations referred to in subsection (b) of this section may be adopted by the Commission except by the vote of two-thirds of all members present and voting.

(d) APPROVAL OF COMMISSION RECOMMENDATIONS BY THE SECRETARY.—The Secretary shall approve the Federal funding available under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act, for the wetlands conservation projects in the order of priority recommended by the Commission unless the Secretary finds that any such projects should not have been recommended based on consideration of the factors in subsection (a) of this section.

(e) REJECTION OR MODIFICATION OF RECOMMENDATIONS.—If the Secretary makes a finding under subsection (d) of this section with respect to any wetlands conservation project recommended by the Commission, the Secretary shall provide the Commission and the appropriate Committees with a justification, in writing, for such finding.

SEC. 6. CONDITIONS RELATING TO WETLANDS CONSERVATION PROJECTS.

(a) PROJECTS IN THE UNITED STATES.—(1) Subject to the allocation requirements of section 8(a)(2) and the limitations on Federal contributions under section 8(c) of this Act, the Secretary shall assist in carrying out wetlands conservation projects in the United States, which have been approved under section 5(d), with the Federal funds made available under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act.

(2) Except as provided in paragraph (3), any lands or waters or interests therein acquired in whole or in part by the Secretary with the Federal funds made available under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act, to carry out wetlands conservation projects shall be included in the National Wildlife Refuge System.

(3) The Secretary may convey without cost to a State, or to another public agency or private entity approved by a State, any real property interest acquired in whole or in part with the Federal funds made available under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act, except that no real property interest acquired in whole or in part, or enhanced, managed, or restored with such Federal funds shall, without the approval of the Secretary, be converted for uses other than conservation of migratory birds, other fish and wildlife and the wetland ecosystems upon which such species depend. The Secretary shall approve such conversion only if the Secretary finds that it is in accord with the Plan and only

upon such conditions as the Secretary deems necessary to assure the substitution of comparable wetland ecosystems or other habitat, of at least equal fair market value, for migratory birds and other fish and wildlife species.

(b) PROJECTS IN CANADA OR MEXICO.—Subject to the allocation requirements of section 8(a)(1) and the limitations on Federal contributions under section 8(b) of this Act, the Secretary shall grant or otherwise provide the Federal funds made available under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act, to public agencies and private entities for purposes of assisting such entities and individuals in carrying out wetlands conservation projects in Canada or Mexico that have been approved under section 5(d). The Secretary may only grant or otherwise provide Federal funds if the grant or provision is subject to terms and conditions that will ensure that any real property interest acquired in whole or in part, or enhanced, managed, or restored with such Federal funds will be administered for the long-term conservation and management of fish and wildlife and in a manner that will provide for appropriate public access and use.

SEC. 7. AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) AID IN WILDLIFE RESTORATION.—(1) Section 3 of the Act commonly known as the "Federal Aid in Wildlife Restoration Act" (16 U.S.C. 669b) is amended—

(A) by inserting "(a)" before "An amount" in the first sentence thereof; and

(B) by adding at the end thereof the following:

"(b)(1) The Secretary of the Interior shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year's withdrawals. For purposes of such investment, the Secretary of the Interior may—

"(A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and

"(B) sell obligations held in the fund at the market price.

"(2) The interest on obligations held in the fund—

"(A) shall be credited to the fund;

"(B) are not available for apportionment under this Act before December 31, 2000;

"(C) constitute the sums available for allocation by the Secretary under section 8 of the North American Wetlands Conservation Act; and

"(D) shall become available for apportionment upon satisfying the goals and objectives of the Plan.".

(2) Section 4(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c(a)) is amended by inserting "(ex-

cluding interest accruing under section 3(b))" after "revenues" in the first sentence thereof.

(3) The amendments made by this subsection of this Act take effect October 1, 1989.

(b) MIGRATORY BIRD FINES, PENALTIES, FORFEITURES.—The sums received under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines, or from forfeitures of property are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under subsections (a) and (b) of this section, there are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act not to exceed $15,000,000 for each of fiscal years 1990, 1991, 1992, and 1993.

SEC. 8. ALLOCATION OF AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) ALLOCATIONS.—Of the sums available to the Secretary for any fiscal year under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act—

(1) such percentage of that sum (but at least 50 per centum and not more than 70 per centum thereof) as is considered appropriate by the Secretary, less such

amount (but not more than 4 per centum of such percentage) considered necessary by the Secretary to defray the costs of administering this Act during such fiscal year, shall be allocated by the Secretary to carry out approved wetlands conservation projects in Canada and Mexico in accordance with section 6(b) of this Act; and

(2) the remainder of such sum after paragraph (1) is applied (but at least 30 per centum and not more than 50 per centum thereof) shall be allocated by the Secretary to carry out approved wetlands conservation projects in the United States in accordance with section 6(a) of this Act.

(b) FEDERAL CONTRIBUTION FOR PROJECTS IN CANADA OR MEXICO.—The Federal moneys allocated under subsection (a)(1) of this section for any fiscal year to carry out approved wetlands conservation projects in Canada and Mexico shall be used for the payment of not to exceed 75 per centum of the total United States contribution to the costs of such projects. The non-Federal share of the United States contribution to the costs of such projects may not be derived from Federal grant programs.

(c) FEDERAL CONTRIBUTION FOR PROJECTS IN THE UNITED STATES.—The Federal moneys allocated under subsection (a)(2) of this section for any fiscal year to carry out approved wetlands conservation projects in the United States shall be used for the payment of not to exceed 50 per centum of the total United States contribution to the costs of such projects, or for payment of 100 per centum of the costs of such projects located on Federal lands and waters, including the acquisition of inholdings within such lands and waters. The non-Federal share of the United States contribution to the costs of such projects may not be derived from Federal grant programs.

(d) PARTIAL PAYMENTS.—(1) The Secretary may from time to time make payments to carry out approved wetlands conservation projects as such projects progress, but such payments, including previous payments, if any, shall not be more than the Federal pro rata share of any such project in conformity with subsection (b) or (c) of this section.

(2) The Secretary may enter into agreements to make payments on an initial portion of an approved wetlands conservation project and to agree to make payments on the remaining Federal share of the costs of such project from subsequent allocations if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purposes of this Act.

SEC. 9. REFUGE REVENUE SHARING.

No payment of any money allocated under section 8(a)(2) may be made by the Secretary for any fiscal year to acquire lands and waters for inclusion in the National Wildlife Refuge System under this Act, except as provided under section 6(a)(3), unless there are appropriated under section 401(d) of the Act of June 15, 1935 (commonly referred to as the "Refuge Revenue Sharing Act"; 16 U.S.C. 715s(d)), for such fiscal year an amount equal to the difference between the total amount of net receipts and the aggregate amount of payments required to be made for such fiscal year to counties.

SEC. 10. RESTORATION, MANAGEMENT, AND PROTECTION OF WETLANDS AND HABITAT FOR MIGRATORY BIRDS ON FEDERAL LANDS.

The head of each Federal agency responsible for acquiring, managing, or disposing of Federal lands and waters shall, to the extent consistent with the mission of such agency and existing statutory authorities, cooperate with the Director of the United States Fish and Wildlife Service to restore, protect, and enhance the wetland ecosystems and other habitats for migratory birds, fish, and wildlife within the lands and waters of each such agency. In the consideration of land disposal alternatives, the head of each such agency shall give priority to the transfer of real property interests for conservation purposes that would contribute to furtherance of the purposes of this Act and the goals of the Plan.

SEC. 11. REPORTS TO CONGRESS.

(a) ASSESSMENT.—The Secretary shall report to the appropriate Committees every two years with an assessment of the following:

(1) the estimated number of acres of wetlands and habitat for waterfowl and other migratory birds that were restored, protected, or enhanced during such two-year period by Federal, State, and local agencies and private entities in the United States, Canada, and Mexico; and

(2) trends in the population size and distribution of North American migratory birds.

(b) PROJECT STATUS AND COSTS.—The Secretary shall report annually to the appropriate Committees concerning the status of wetlands conservation projects, including an accounting of Federal, State, and private expenditures and expenditures by Canadian and Mexican sources to carry out these projects.

SEC. 12. REVISIONS TO THE PLAN.

The Secretary shall, in 1991 and at five-year intervals thereafter, undertake with the appropriate officials in Canada and Mexico to revise the goals and other elements of the Plan in accordance with the information required under section 11 and with the other provisions of this Act.

SEC. 13. RELATIONSHIP TO OTHER AUTHORITIES.

(a) ACQUISITION OF LANDS AND WATERS.—Nothing in this Act affects, alters, or modifies the Secretary's authorities, responsibilities, obligations, or powers to acquire lands or waters or interests therein under any other statute.

(b) MITIGATION.—The Federal funds made available under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act, may not be used for fish and wildlife mitigation purposes under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) or the Water Resources Development Act of 1986, Public Law 99-662 (1986), 100 Stat. 4235.

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